

LGBTQ+ Business Climate Score

# Florida

53.43

out of a possible 100 points



Out Leadership's Business Climate Index for the 50 United States is an assessment of states' performance on LGBTQ+ inclusion. It measures the impact government policies and prevalent attitudes have on the LGBTQ+ people residing in each state, quantifying the economic imperatives for inclusion and the costs of discrimination. It equips business leaders and policy makers with a clear sense of the most impactful steps states can take to make themselves more hospitable to forward-thinking, innovative, inclusive businesses.

## Color Coding



For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit [www.outleadership.com/staterisk](http://www.outleadership.com/staterisk)

# Florida



### Legal & Nondiscrimination Protection

Since early 2021, the state has had LGBTQ+ nondiscrimination protections covering employment, housing, and public accommodations. The state allows transgender people to change gender markers on birth certificates and driver's licenses, but both amendments require signed doctors' letters as well as affidavits (birth certificate) and court orders (driver's license).



### Youth & Family Support

Florida's ban on same sex adoption was ruled unconstitutional in 2010, and the statutory language was removed by the legislature in 2015. Florida law neither expressly provides for nor expressly prohibits second-parent adoption, creating uncertainty for LGBTQ+ families. State statute still bans recognition and equal treatment of same-sex marriages. Florida does not have a state law protecting LGBTQ+ students against discrimination or bullying and offers no statewide ban on conversion therapy, though 20 local governments have banned conversion therapy for minors.





## Political & Religious Attitudes

Florida has a long history of anti-LGBTQ+ hostilities, from the Johns Committee, a legislative committee that targeted gay and civil rights activists on campuses in the 1950s, to Anita Bryant's crusades against legal protections for LGBTQ+ people. That hostility is more muted today, but Republican leaders in the state have refused for years to allow a hearing on a nondiscrimination bill. In recent years, bipartisan support has grown and there are now three openly LGBTQ+ state legislators. A statewide "religious freedom" law prohibits

11.2<sub>/20</sub>



## Health Access & Safety

Transgender healthcare is not covered by Medicaid, and the state has no insurance nondiscrimination protections in place for neither gender identity nor sexual orientation. The state does not ban private insurance companies for excluding transgender healthcare coverage. State hate crime protections are inclusive of sexual orientation, but not gender identity. Failing to disclose HIV+ status prior to sexual intercourse is classified as a felony.

8.5<sub>/20</sub>



## Work Environment & Employment

18% of transgender employees in Florida reported being harassed in the past year due to their gender identity, and 23% report mistreatment such as having someone at work share private information about their gender. 27% of LGBTQ+ individuals in Florida reported food insecurity, almost double that of non-LGBTQ+ individuals. 27% of LGBTQ+ individuals in Florida report making less than \$24,000 per year. LGBTQ+ unemployment (11%) is almost double that of non-LGBTQ+ unemployment (6%).

11<sub>/20</sub>

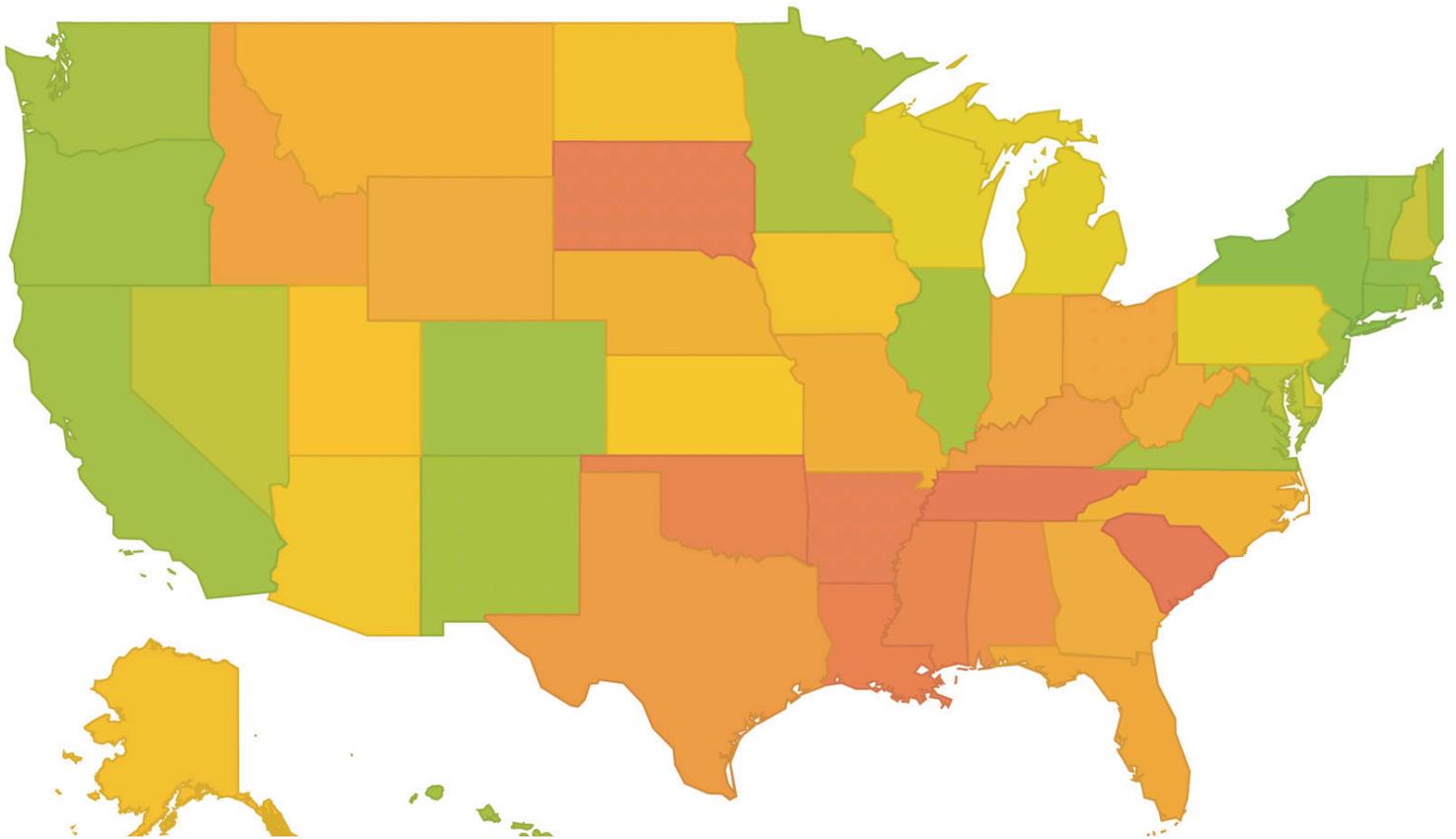
## A Note on Methodology

Download this report to learn how and why Out Leadership created the LGBTQ+ Business Climate Index for the 50 U.S. States, with important details about our methodology, including our data standards and practices. NOTE: \*HIV criminalization laws are discriminatory and ineffective. These laws fail to account for advances made in treating and controlling HIV, may deter people from getting tested and seeking treatment, and can exacerbate the stigma targeting people living with HIV and LGBTQ+ people.

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# United States Heat Map

The legal and cultural situation for LGBTQ+ people varies widely across the country. This map, based on each state's total Business Climate Score, illustrates the states where LGBTQ+ people are empowered to participate more fully and openly in the economy, and the states that are lagging behind.





# Florida Talking Points

4.6% of Florida residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$48.4 billion – it's a market my business can't afford to ignore.

Currently more than 60% of all residents of Florida are covered by municipal nondiscrimination law inclusive of sexual orientation and gender identity – that's not good enough.

Nondiscrimination policies allow LGBTQ+ people to participate more fully in the economy.

Florida has a favorable economic environment for business investment – but taking steps to make LGBTQ+ people feel safer and more included, and more protected by state law, would better enable companies to attract top LGBTQ+ talent. Florida ranks 6th among states in economic freedom, but 36th in personal freedom - two fundamental indicators linked to both attracting talent supply and driving economic growth.

When LGBTQ+ employees don't feel welcome at work, they're less likely to stay, and employee turnover is a drag on the state economy and business competitiveness. It costs companies an





average of \$8,958 to replace an employee in Florida, and it can cost up to \$400,000 to replace senior executives. Florida and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

Millennial and Gen Z consumers prefer to do business with companies with LGBTQ+ friendly advertising and policies – 54% say they're more likely to choose an LGBTQ+ inclusive brand over a competitor – which is why it's important that Florida create a business environment where being inclusive is supported.

Florida has a regressive attitude towards trans people – the process for changing gender markers on birth certificates and driver's licenses is unnecessarily onerous, gender identity is not included in the state's hate crimes law, and trans people lack adequate access to healthcare. Florida should take steps to ease stigmatization of trans people—equality is good for everyone's bottom line.

Nearly a third of Florida's LGBTQ+ population is over 50, and Florida is the leading destination for retiring LGBTQ+ seniors. Ensuring that LGBTQ+ people are protected from discrimination represents an opportunity for the real estate, healthcare, long-term care, and financial and legal services sectors.

## Regional Context

# The Southeast

Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, state, and national level.

LGBTQ+ workers in the Southeast are the most likely to be out at work (54.4%), but they are also 25% more likely to feel that covering behaviors are important for work place success. More broadly, non LGBTQ+ workers in this region preferred for businesses to demonstrate their support for the LGBTQ+ community using internal initiatives (like hiring more LGBTQ+ employees and creating more inclusive HR policies). However, this group was 57% less likely to approve of more public demonstrations of support (like withdrawing sponsorship from sporting events in less inclusive areas). LGBTQ+ workers in this region are 39% more likely to support inclusive businesses and 17% more likely to consider LGBTQ+ friendliness in making spending decisions compared to the non-LGBT workers nationwide. However, there is a perception that state leadership speaks about the LGBTQ+ community in a more negative way (39% more likely than nationwide), which could partially explain why LGBTQ+ workers in the Southeast are 19% more likely to say that they would be open to moving to a state with better LGBTQ+ support.

*Unless otherwise noted, all comparisons for more or less likely are compared to the National results. Regional results are based off of 1,500 respondents (LGBTQ+ and Non-LGBTQ+ responses have been weighted to be age-representative for each audience in each region). National results are based off of 600 respondents representative of each audience (LGBTQ+ vs Non-LGBTQ+).*

States in the Southeast region included: Alabama, Arkansas, Kentucky, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

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# Current Legal Status of LGBTQ+ People in Florida

## Legal status of the Lesbian, Gay and Bisexual Community

In the wake of the 2020 Supreme Court Bostock decision extending antidiscrimination protections on the basis of sex to cover sexual orientation and gender identity, the state of Florida announced the intention to uphold the ruling there, granting its LGBTQ residents those protections for the first time state-wide.

There are no explicit prohibitions against second-parent adoptions in the state of Florida. However, second-parent adoption is more complex and expensive than step-parent adoption, as it requires a home study and additional paperwork.

In Florida it is a third-degree felony punishable by up to five years in prison and/or a \$5,000 fine for an HIV+ person to have sexual intercourse without disclosing their status (given that they are aware of their HIV+ status and have been informed that it is sexually transmittable). A failure to disclose HIV+ status on multiple occasions is a first-degree felony punishable by up to 30 years imprisonment.

Sexual orientation has been included in Florida's hate crimes law since 1991.

The state legislature routinely considers "preemption" bills that would prevent municipalities from making and enforcing some laws, including LGBTQ+ protections, if there's a state law on the books addressing it. At least one bill, proposed in 2018, intentionally targeted LGBTQ+ protections, but a number of other bills have unintentionally threatened LGBTQ+ protections.

A 2018 Williams Institute survey in northeastern Florida reported that three quarters of LGBTQ+ respondents experienced discrimination in their everyday life.

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## Legal Status of the Transgender Community

In December 2011, the U.S. Court of Appeals for the Eleventh Circuit held that it is a violation of the U.S. Constitution's Equal Protection Clause's prohibition of sex-based discrimination for a government agent to fire a transgender employee because of their gender non-conformity in *Glenn v Brumby*.

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Florida administrative rules include protections against discrimination in the child welfare system on the basis of sexual orientation and gender identity and the laws require LGBTQ+ competency training for staff working with children.

In 2021, Florida lawmakers passed a bill that bans trans women students from playing on girls' sports teams and allows schools to require genital exams before allowing students to participate.

Individuals in Florida can amend their legal gender on their birth certificate and driver's license. For birth certificates, individuals must submit an application and affidavit, a signed letter from a physician confirming appropriate clinical treatment for gender transition, and payment of the amendment fee. For a driver's license, individuals must submit a court order for the change and/or a signed letter from a physician confirming appropriate clinical treatment for gender transition. Gender confirmation surgery is not required.

Neither gender nor gender identity are currently included in the state's hate crimes protections. Legislation was introduced in 2019 to include gender identity, but it was shelved indefinitely in March 2020.

A federal judge in Florida ruled in 2018 that a transgender woman incarcerated in the state, Reilyn Keohane, must be permitted to dress and groom herself in accordance with her gender identity.

Florida does not have any explicit State Medicaid policy regarding transgender healthcare coverage, and no laws banning transgender healthcare exclusions by insurers. In 2020, two trans state employees sued over the care exclusion, arguing it violates the Constitution and Title VII of the Civil Rights Act.

The state also lacks insurance nondiscrimination protections for gender identity and sexual orientation.

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## Government Statements and Actions

One of the most notable pieces of legislation to affect the LGBTQ+ community this last year was the "Don't Say Gay" bill passed in March of 2022 by Governor Ron DeSantis. This bill bans public school districts from teaching about sexual orientation or gender identity in kindergarten through the third grade. Supporters of the bill claim that this content is not age-appropriate or developmentally appropriate for students, while LGBTQ+ advocates counter that this policy hurts LGBTQ+ children and families. Nonetheless, the bill's passage sparked a wildfire of copycat bills around the country.

Both houses of the state legislature in 2021 passed a bill that would deem parents a protected class, worrying LGBTQ+ advocates who say the



designation would entitle parents to full school records, potentially outing a child's sexual orientation or gender identity.

A bill that would ban the gay panic defense in Florida passed out of committee and then died in the state senate during the 2021 legislative session.

In one of his first acts as Governor, Ron DeSantis signed a nondiscrimination order for state employees that failed to include protections on the basis of sexual orientation and gender identity. DeSantis holds a 0 rating from the Human Rights Campaign based on his voting record on LGBTQ+ issues in Congress.

In the wake of the 2016 Pulse massacre, then Governor Rick Scott, now the state's junior senator, promised leaders of Equality Florida that he would take action on an Executive Order extending protections to LGBTQ+ state workers, but never did so.

Orlando City Council announced the approval of a memorial for the Pulse Night club shooting victims in March 2019 at a local cemetery. The 2016 shooting is the deadliest crime against LGBTQ+ people in U.S. history. In 2021, State Sen. Linda Stewart announced a \$2.3 million budget appropriation that includes funds for counseling for survivors and for housing homeless LGBTQ+ youths.

Senator Marco Rubio has said that "you have to really have a ridiculous and absurd reading of the U.S. constitution to reach the conclusion that people have a right to marry someone of the same sex."

Rubio has also said that "the most important thing the next President will do is appoint Supreme Court justices" opposed to rulings like *Obergefell v Hodges*, and has suggested that Supreme Court appointments are the best way to reverse the historic ruling and rollback progress.

# Impact of LGBTQ+ Discrimination on Business Talent

**1** NO RISK

**2** LOW RISK

**3** MODERATE RISK

**4** NOTABLE RISK

**5** HIGH RISK

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## Brand Risk

**5** HIGH RISK

Companies incur high risk to their brands by operating in Florida, where there are no statewide LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have negative voting records on LGBTQ+ issues, despite increased pressure in the wake of the Orlando Pulse shooting.

## Client Risk

**3** MODERATE RISK

There is moderate risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Florida in light of the state's business climate and reputation.

## Talent Risk

**4** NOTABLE RISK

LGBTQ+ talent are likely to consider Florida's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, and the state has high reported rates of discrimination, both of which make working in Florida unattractive to LGBTQ+ professionals.

## Marketing Risk

**3** MODERATE RISK

There's moderate risk involved in marketing to the LGBTQ+ community in Florida, where regressive attitudes toward LGBTQ+ people persist statewide, preventing progress on inclusive nondiscrimination laws.

## Future Risk

**3** MODERATE RISK

The state legislature has not passed any discriminatory laws in recent years, and overall such bill volume is low, but steady year on year. There remains a moderate risk of a future headline-making, negative event.



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# Socio-cultural Environment of LGBTQ+ People in Florida

## Status of LGBTQ+ Organizing and Community

Equality Florida, the state's largest civil rights organization dedicated to advancing full equality for the LGBTQ+ community, has more than 300,000 members.

St. Pete Pride is the state's largest pride celebration, attracting up to a quarter of a million people.

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## Cultural Views of the LGBTQ+ Community

Openly LGBTQ+ Mayors currently govern major cities including Key West, Fort Lauderdale, and Tampa.

Wilton Manors, FL, made history in November 2018 by becoming the second town in US history to elect a completely LGBTQ+ city commission.



# Partners

Our partnerships make our work possible. The first State LGBTQ+ Business Climate Index released in 2019 was funded by a grant from the Gill Foundation. The Index is based on data graciously shared by the Movement Advancement Project and the Williams Institute. Ropes & Gray is our pro bono legal partner for the CEO Business Briefs globally, and their research informs this Index. FCB partnered with us to conduct original market research into American attitudes toward LGBTQ+ workplace inclusion, informing the Regional Context section of the State CEO Briefs. America Competes supported the development of the scoring for the Risk Assessments, particularly for the Future Risk score.

