

Florida

LGBTQ+ Business Climate Score

out of a possible 100 points

50.60

NOTABLE RISK

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 outleadership.com/driving-equality/us-state-ceo-briefs/

Florida



Legal & Nondiscrimination Protection

The Legal and Nondiscrimination Protections section includes two subsections: The **Personal Legal Scale** assesses the state's laws directly impacting LGBTQ+ individuals. This includes processes for transgender people to change their gender markers on birth certificates and driver's licenses, as well as protections for individuals in housing, the workplace, public spaces, foster care, and more. **Two Nondiscrimination Protections Scales** assess the extent to which LGBTQ+ people are protected under state law. One evaluates nondiscrimination laws related to employment and the other evaluates any nondiscrimination laws related to housing, public accommodations, credit and lending.



Youth & Family Support

The Youth and Family Support section contains three subsections. The **Family Support Scale** measures how supportive the state is of LGBTQ+ people who are in or wish to start families. Elements of this scale include: the percentage of LGBTQ+ families raising children, and whether state family leave laws cover same-gender couples and allow workers to care for the children they are raising. The **Children and Youth Scale** assesses the resources available to LGBTQ+ children and youth in the state, including whether the state has non-discrimination laws and policies for LGBTQ+ students. The **Targeted Laws** section evaluates states on whether they ban discussion of same-gender marriage in schools, and whether they ban conversion therapy for minors.





Political & Religious Attitudes

The Political and Religious Attitudes section contains two subsections. Taken together, these scales assess the tone of the state's conversation around LGBTQ+ rights. The **Religious Protections Scale** assesses the extent and impacts of a state's constitutional or statutory religious exemption laws, and whether state law provides for targeted religious exemption from laws governing child welfare services, private wedding services, and the provision of medical care. The **State Leadership Scores** are Out Leadership's unique measures evaluating the state's most senior elected officials – the Governor and the two U.S. Senators – and assessing how they've represented their views of LGBTQ+ people in speeches and in their political platforms, and in terms of how they've acted with regard to laws impacting LGBTQ+ equality.

10.60_{/20}



Health Access & Safety

The Health Access and Safety section contains two subsections. The **Health Scale** assesses LGBTQ+ people's access to insurance and medical care in each state, giving particular emphasis to the most economically precarious and vulnerable members of the community. The **Safety Scale** is based on two significant laws protecting or criminalizing behaviors affecting LGBTQ+ people. It asks whether the state protects LGBTQ+ people in its hate crime laws. It also assesses whether the state criminalizes exposure to or transmission of HIV.

8.00_{/20}



Work Environment & Employment

The Work Environment and Employment section contains two subsections. The **Work Environment Scale** assesses transgender individuals' experiences at work, including incidences of verbal harassment, sexual assault, and other mistreatment. The **Employment Scale** is based on assessments of LGBTQ+ employment in the state. This scale includes the percentage of LGBTQ+ people making less than \$24,000 annually (approximately the current Federal poverty line), and the differences in unemployment rates and food insecurity between LGBTQ+ and non-LGBTQ+ identified individuals.

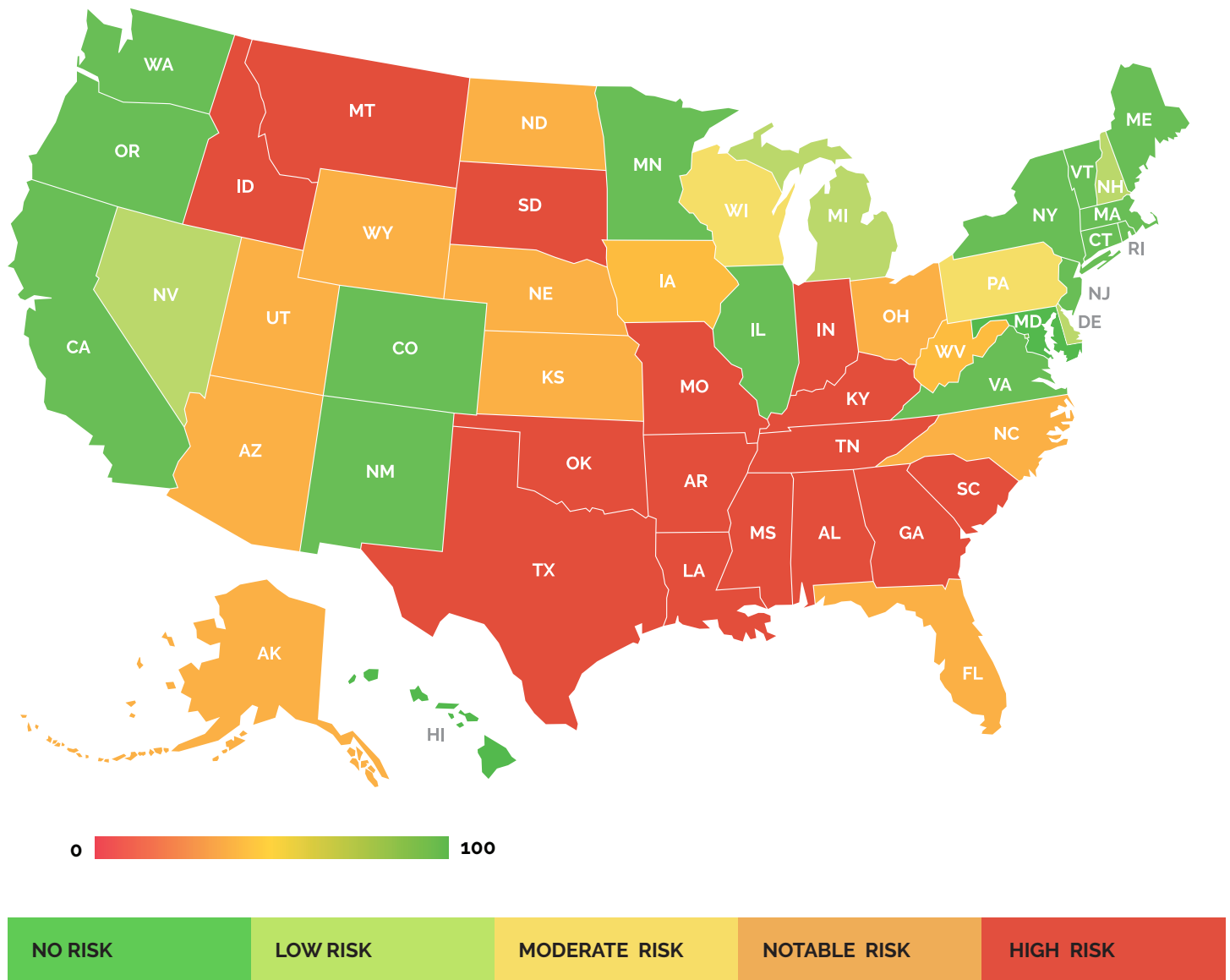
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A Note on Methodology

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.

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.



Increased hostile policy toward the LGBTQ+ community will have a negative impact on companies ability to attract and retain top talent.

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

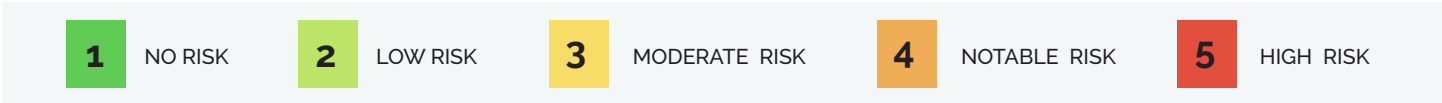
Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local,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

Impact of LGBTQ+ Discrimination on Business Talent



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<h2>Brand Risk</h2> <p>5 HIGH RISK</p> <p>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.</p>	<h2>Client Risk</h2> <p>3 MODERATE RISK</p> <p>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.</p>
<h2>Talent Risk</h2> <p>4 NOTABLE RISK</p> <p>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.</p>	<h2>Marketing Risk</h2> <p>3 MODERATE RISK</p> <p>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.</p>
<h2>Future Risk</h2> <p>3 MODERATE RISK</p> <p>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.</p>	

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.

Florida's state lawmakers continue to pass anti-LGBTQ+ policies and have moved to pass an even stricter anti-trans bathroom bill and a stricter version of the "Don't Say Gay" bill.

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*.

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.

Government Statements and Actions

One of the most notable pieces of legislation to affect the LGBTQ+ community was the 2022 "Don't Say Gay" bill and the new version of the bill passed in 2023 by Governor Ron DeSantis. This is just one of a series of anti-LGBTQ+ bills restricting healthcare access, families and schools, bathroom access and more.

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 Nightclub 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 roll back progress.



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.

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.

