

No. 23-12159

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Jane Doe et al.,
Plaintiffs-Appellees,

vs.

Surgeon General, State of Florida et al.,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
TRANSSOCIAL, SPEKTRUM HEALTH, INC., TRANSGENDER HEALTH
EDUCATION NETWORK, AND SUNSERVE IN SUPPORT OF
APPELLANTS AND AFFIRMING THE DISTRICT COURT'S
PRELIMINARY INJUNCTION**

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Docket No. 23-12155

Doe v. Lapado

Certificate of Interested Persons and Corporate Disclosure Statement

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1-1 of the Rules of the Court of Appeals for the Eleventh Circuit, Baker & McKenzie hereby certifies that *Amici Curiae* TransSocial, Spektrum Health, Inc., Transgender Health Education Network, and SunServe are all nonprofits, that do not have a parent corporation, and have no stock. The following is a complete list of all persons and entities known to have an interest in the outcome of this appeal:

1. TransSocial, Amicus
2. SPEKTRUM Health, Inc., Amicus
3. SunServe, Amicus
4. Transgender Health Education Network, Amicus
5. Academic Pediatric Association, Amicus
6. Ackerman, Scot, Defendant
7. American Academy of Child and Adolescent Psychiatry, Amicus
8. American Academy of Family Physicians, Amicus
9. American Academy of Nursing, Amicus
10. American Academy of Pediatrics, Amicus

11. American Association of Physicians for Human Rights, Inc.,
Amicus
12. American College of Obstetricians and Gynecologists, Amicus
13. American College of Osteopathic Pediatricians, Amicus
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17. Antommaria, Armand, Dekker Witness
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57. Florida Agency for Healthcare Administration, Dekker Defendant
58. Florida Board of Medicine, Defendant
59. Florida Board of Osteopathic Medicine, Defendant
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63. Fox, Amira, Former Defendant
64. Garcia, Maria, Defendant
65. Ginsburg, Maya, Counsel for Plaintiffs
66. Gladson, William, Defendant
67. Goe, Gavin, Plaintiff
68. Goe, Gloria, Plaintiff

69. Goldberg, Noah, Counsel for Amicus
70. Haas, Brian, Former Defendant
71. Hart, Joseph, Counsel for Defendants
72. Hinkle, Robert, U.S. District Court Judge
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74. Hunter, Patrick, Defendant
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76. Isasi, William, Counsel for Amicus
77. Jackson, Valerie, Defendant
78. Jacobs, Arthur, Counsel for Former Defendants & Defendant
79. Janssen, Aron Christopher, Dekker Witness & Doe Declarant
80. Jazil, Mohammad, Counsel for Defendants
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86. Ladapo, Joseph, Defendant
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96. Madden, Ginger, Former Defendant
97. Mandelbaum, Sara, Counsel for Plaintiffs
98. Marstiller, Simone, Dekker Former Defendant
99. Minter, Shannon, Counsel for Plaintiffs
100. Mondry, Emily, Counsel for Amicus
101. Moody, Ashley, Former Defendant
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117. Pratt, Joshua, Counsel for Dekker Defendants
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128. Society for Pediatric Research, Amicus

129. Society of Pediatric Nurses, Amicus
130. Stafford, William, III, Counsel for Defendants
131. Starr, Jason, Counsel for Plaintiffs
132. Stoll, Christopher, Counsel for Plaintiffs
133. Van Meter, Quentin, Dekker Witness
134. Van Mol, Andre, Dekker Witness
135. Veta, D. Jean, Counsel for Amicus
136. Vila, Hector, Defendant
137. Ward, Dennis, Former Defendant
138. Wasylik, Michael, Defendant
139. Weaver, Cynthia, Counsel for Plaintiffs
140. Weida, Jason, Dekker Defendant
141. Whitaker, Henry, Counsel for Defendants
142. Williams, Gregory, Defendant
143. World Professional Association for Transgender Health, Amicus
144. Worrell, Monique, Former Defendant
145. Zachariah, Zachariah, Defendant
146. Zanga, Joseph, Dekker Witness

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**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
TRANSSOCIAL, SPEKTRUM HEALTH, INC., TRANSGENDER HEALTH
EDUCATION NETWORK, AND SUNSERVE IN SUPPORT OF
APPELLANTS AND AFFIRMING THE DISTRICT COURT'S
PRELIMINARY INJUNCTION**

NOW COMES, Amici Curiae, TransSocial, Spektrum Health, Inc., Transgender Health Education Network, and SunServe, by and through its counsel, BAKER & MCKENZIE LLP, and hereby submits, pursuant to Federal Rule of Appellate Procedure 29(b), its Motion for Leave to File Brief of Amici Curiae in Support of the Appellants and Reversal of the Trial Court. In support of its Motion, TransSocial, Spektrum Health, Inc., Transgender Health Education Network, and SunServe states as follows:

I. IDENTITY AND INTEREST OF AMICI CURIAE

TransSOCIAL is a nonprofit organization located in Miami, FL, that advocates for the transgender community in South Florida while simultaneously serving the LGBTQ+ community at large. Focused mostly on the "T" in LGBTQ+, TransSOCIAL is aware of the adversity the transgender community faces in Florida. To this end TransSOCIAL provides legal resources like legal assistance with insurance denials, mental health referrals, name change guides, estate planning, and wage theft.

SPEKTRUM Health is a nonprofit organization located in Orlando, FL, that serves the LGBTQ+ community in the Greater Orlando area and nationwide using

virtual health services. SPEKTRUM Health's mission is to provide top quality comprehensive primary healthcare options for LGBTQ+ individuals. SPEKTRUM provides some very necessary medical services in the LGBTQ+ community including primary care, mental health counseling, HIV treatment and prevention, gender affirming treatment (GAT), Med-Psych management, and other STI treatment and prevention.

Transgender Health Education Network ("THEN") is a non-profit organization that serves the greater North Central Florida region, bringing together a network of healthcare providers that share the goal of offering informed and compassionate care to Transgender and Gender Diverse individuals. Quality affirming healthcare is challenging to access for Transgender and Gender Diverse individuals, especially in rural areas like North Central Florida. THEN seeks to address inequities in access to care by identifying affirming and informed healthcare providers and linking those providers to a network of like-minded colleagues. THEN also aims to provide up-to-date continuing education in transgender healthcare.

SunServe is a nonprofit organization located in Wilton Manors, FL, advocating for the entire LGBTQ community in South Florida. SunServe's mission is to provide critical life assistance and professional mental health services with an emphasis on economically disadvantaged, marginalized youth, adults and seniors in the greater South Florida metropolitan area. To this end SunServe provides the South Florida

LGBTQ+ community with mental health resources, name and gender marker change assistance, HIV/AIDs and PrEP Resources, psychotherapy, hormone replacement therapy, assistance with signing-up for food stamps, employment resources, and helps establish connections with other resources in the community.

II. THE AMICI BRIEF OF TRANSSOCIAL, SPEKTRUM HEALTH, INC., THEN, AND SUNSERVE IS DESIRABLE AND THE MATTERS ASSERTED ARE RELEVANT TO THE DISPOSITION OF THIS CASE

Amici seeks to weigh in on this case because of how the ruling in this case would impact their clients, mission statements, and their ability to provide care and services to the LGBTQ+ community across Florida. In its proposed brief, Amici presents detailed examples of objective discriminatory statements from Florida legislators who sponsored HB 1421, SB 254, and the entire "Let Kids Be Kids" legislative package, that emphasizes the extent to which the State has gone to make Florida an inhospitable environment for transgender Floridians. Amici presents arguments as to how state legislator and the Governor have used their platform to not only call their transgender constituents "demons" and "mutants" but have actively said on the floor of the state legislature that they were open to "erase [the LGBTQ+] community."

Amici also brings to this Court the perspective of numerous healthcare providers, and their clients, in the LGBTQ+ community across Florida. Amici know firsthand what the legal and medical obstacles that their transgender clients

encounter on a daily basis, what the needs of the transgender community are in order to overcome those obstacles, and how the enacted legislation would negatively impact the lives of their clients they serve as well as the missions of their respective nonprofit organizations.

WHEREFORE, for the reasons stated herein, TransSocial, Spektrum Health, Inc., THEN, And SunServe respectfully requests that this Court grant its Motion for Leave to File Brief of Amici Curiae TransSocial, Spektrum Health, Inc., THEN, And SunServe in Support of the Appellants and Affirm the Trial Court's Preliminary Injunction.

Respectfully submitted this 13th day of November, 2023.

Amici Curiae, TransSocial, Spektrum Health, Inc., Transgender Health Education Network, And SunServe

/s/ Angela C. Vigil

Angela C. Vigil
BAKER & MCKENZIE LLP

/s/ Debra Dandeneau

Debra Dandeneau
BAKER & MCKENZIE LLP

Attorneys for Amici Curiae

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. mail on this 13th day of November, to the following as required by Fed.

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Respectfully Submitted this 13th day of November, 2023.

/s/ Debra Dandeneau

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Appeal from the United States District Court for the Northern District of Florida,
No. 4:23-cv-114

**BRIEF OF *AMICI CURIAE* TRANS SOCIAL, SPEKTRUM HEALTH, INC.,
TRANSGENDER HEALTH EDUCATION NETWORK, AND SUNSERVE
IN SUPPORT OF PLAINTIFFS-APPELLEES**

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**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and 11th Circuit Rule 26.1-1, undersigned counsel for *amici curiae* SPEKTRUM Health, Inc. TransSocial, Transgender Health Education Network, Amicus and SunServe certifies that, in addition to the list of interested persons provided in the Certificates of Interested Persons and Corporate Disclosures Statements filed by Appellants, Appellees, and other amici, the following persons and entities have an interest in the outcome of this case:

1. TransSocial, Amicus
2. SPEKTRUM Health, Inc., Amicus
3. SunServe, Amicus
4. Transgender Health Education Network, Amicus
5. Academic Pediatric Association, Amicus
6. Ackerman, Scot, Defendant
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143. World Professional Association for Transgender Health, Amicus
144. Worrell, Monique, Former Defendant
145. Zachariah, Zachariah, Defendant
146. Zanga, Joseph, Dekker Witness

The *amici curiae* further state that they are non-profit, non-partisan corporations, and they have no parent corporation, and no publicly-held corporation has any form of ownership interest in the *amici curiae*.

/s/ Debra Dandeneau

Debra Dandeneau

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INTEREST OF AMICI CURIAE

The amici submitting this brief are a group of three Florida non-profit organizations that serve the LGBTQ+ community with medical, legal, counselling, and other necessary services. The three non-profit on whose behalf this brief is being submitted serve, counsel, and treat transgender youth regularly. All amici share an interest in protecting the daily needs of their clients as well as their mission statement and the integrity of the services that they provide to transgender Floridians on a regular basis. The ruling in this case could have an adverse impact on how they are able to operate with the transgender community and even the greater LGBTQ+ community in Florida.

TransSOCIAL is a nonprofit organization located in Miami, FL, that advocates for the transgender community in South Florida while simultaneously serving the LGBTQ+ community at large. Focused mostly on the “T” in LGBTQ+, TransSOCIAL is aware of the adversity the transgender community faces in Florida. To this end TransSOCIAL provides legal resources like legal assistance with insurance denials and name changes, mental health referrals, estate planning, and wage theft.

SPEKTRUM Health is a nonprofit organization located in Orlando, FL, that serves the LGBTQ+ community in the Greater Orlando area and nationwide using virtual health services. SPEKTRUM Health’s mission is to provide top quality

comprehensive primary healthcare options for LGBTQ+ individuals. SPEKTRUM provides some very necessary medical services in the LGBTQ+ community including primary care, mental health counseling, HIV treatment and prevention, gender affirming treatment (GAT), Med-Psych management, and other STI treatment and prevention.

SunServe is a nonprofit organization located in Wilton Manors, FL, advocating for the entire LGBTQ community in South Florida. SunServe's mission is to provide critical life assistance and professional mental health services with an emphasis on economically disadvantaged, marginalized youth, adults and seniors in the greater South Florida metropolitan area. To this end SunServe provides the South Florida LGBTQ+ community with mental health resources, name and gender marker change assistance, HIV/AIDs and PrEP Resources, psychotherapy, hormone replacement therapy, assistance with signing-up for food stamps, employment resources, and helps establish connections with other resources in the community.

Transgender Health Education Network ("THEN") is a non-profit organization that serves the greater North Central Florida region, bringing together a network of healthcare providers that share the goal of offering informed and compassionate care to Transgender and Gender Diverse individuals. Quality affirming healthcare is challenging to access for Transgender and Gender Diverse individuals, especially in rural areas like North Central Florida. THEN seeks to

address inequities in access to care by identifying affirming and informed healthcare providers and linking those providers to a network of like-minded colleagues. THEN also aims to provide up-to-date continuing education in transgender healthcare.

SUMMARY OF ARGUMENT

Since 2021, Florida’s governor has proposed and the legislature has enacted a series of laws that restrict the rights of LGBTQ+ individuals and specifically seek to dehumanize the transgender community. These laws are part of an organized campaign against Florida’s LGBTQ+ community. One of the stated goals of this campaign is to “eradicate transgenderism” by which the proponents of these laws mean the ability of transgender people to live openly and safely as transgender.¹

By enacting sweeping legislation that affecting all members of the LGBTQ+ community, but specifically targeting some of the most vulnerable and misunderstood members of that community — transgender, non-binary, and gender nonconforming individuals — the Florida legislature has sought to deprive these individuals of longstanding rights. Hidden behind misleading catchphrases such as “Let Kids Be Kids” and “Parental Rights,” the laws are anything but that. Instead,

¹ Peter Wade, “CPAC Speaker Calls for Eradication of ‘Transgenderism’ — and Somehow Claims He’s Not Calling for Elimination of Transgender People”, ROLLING STONE, March 6, 2023, <https://www.rollingstone.com/politics/politics-news/cpac-speaker-transgender-people-eradicated-1234690924/>. (“For the good of society ... transgenderism must be eradicated from public life entirely - the whole preposterous ideology, at every level.”)

these laws reflect the Florida legislature's hostility toward the broad LGBTQ+ community, with particular animus being directed against transgender people.

Because SB 254 (previously HB 1421) is but one of many laws passed in a years-long push by Florida to discriminate against transgender and other LGBTQ+ individuals, its constitutionality should be viewed, not in isolation, but rather in the overall context of the pattern of legislation written, advocated, and enacted by groups and politicians who have expressly stated their animus towards transgender people and other members of the LGBTQ+ community. Amici urge this Court to recognize the evidence set forth below, which justifies a finding under the *Arlington Heights* framework that the laws and regulations at issue in this matter intentionally discriminate against transgender individuals.

ARGUMENT

A. The History of Florida's Legislative Campaign Against the LGBTQ+ Community Demonstrates the Florida Legislators Acted Because of Their Animus Toward the Transgender Community When They Passed SB 254

Since taking office in 2019, Governor DeSantis and the Florida legislature have enacted a series of laws aimed at restricting the rights of the LGBTQ+ community, with a particular focus on eviscerating the rights of transgender individuals.

In 2020, former Florida House Representative Anthony Sabatini introduced HB 1365, entitled the “Vulnerable Child Protection Act.”² HB 1365 sought to criminalize gender-affirming care for transgender individuals. Representative Sabatini’s bill was a copycat of a 2019 South Dakota bill crafted and lobbied for by an organized network of anti-transgender activists and groups. Although HB 1365 died in committee, it was the harbinger of the anti-LGBTQ+ legislation to come.

The first successful attack on transgender people by the Florida legislature came in 2021 when Governor DeSantis signed the “Fairness in Women’s Sports Act” into law. This law bans transgender women and girls from participating in school sports.³ When asked during a hearing if she could point to a single example of a Floridian being harmed by the participation of a transgender female athlete, the bill’s sponsor, Florida House Representative Kaylee Tuck, admitted that she was “not aware of any Florida specific cases.”⁴ Later commenting on the law, Governor DeSantis denied the existence of transgender women, tweeting that “allowing *men* to compete in women’s sports” is a “mockery” and “perpetuat[es] a fraud.”⁵

In February 2022, Governor DeSantis signed HB 1557, the “Parental Rights in Education Act” (commonly known as the “Don’t Say Gay” law). The statute bans

² @AnthonySabatini, TWITTER (Jan 13, 2022, 11:07 AM) (emphasis added), <https://twitter.com/GovRonDeSantis/status/1506315576674865153>.

³ Fla. Stat. § 1006.205.

⁴ SB 1028, Education Sub-Committee, House of Representatives Hr’g Tr. 5:15-6:2 (March 17, 2021).

⁵ @GovRonDeSantis, TWITTER (March 22, 2022, 1:03 PM) (emphasis added), <https://twitter.com/GovRonDeSantis/status/1506315576674865153>.

classroom instruction on or discussion of sexual orientation or gender identity through the third grade.⁶ This law chills the speech of LGBTQ+ community; it rewards parents who seek to enforce violations of the law; and it punishes school districts and teachers who fail to apply the law to hurt LGBTQ+ students.

Florida legislators enunciated their clear intent in HB 1557: to harm the LGBTQ+ community. Governor DeSantis’s then-press secretary referred to the law as the “Anti-Grooming Bill” and characterized anyone who opposed the law as “probably a groomer or at least you don’t denounce the grooming of four to eight year old children.”⁷ These statements perpetuate the false and offensive belief that the LGBTQ+ community and their allies are “groomers” who want to “sexualize children.”⁸

Confirming the beginning of a larger campaign, Representative Randy Fine, then chair of the Florida House’s Health & Human Services Committee, tweeted, “#WeAreJustGettingStarted.”⁹ On April 4, 2022, Representative Fine tweeted, “I’ve had enough. Next session I will shepherd legislation to make it illegal to provide

⁶Fla. Stat. § 1001.42(8)(3).

⁷@ChristinaPushaw, TWITTER (Mar. 4, 2022, 6:33 PM), <https://twitter.com/christinapushaw/status/1499890719691051008?lang=en>.

⁸*Governor Ron DeSantis Signs Historic Bill to Protect Parental Rights in Education*, FLGOV.COM (Mar. 28, 2022), <https://flgov.com/2022/03/28/governor-ron-desantis-signs-historic-bill-to-protect-parental-rights-in-education> (emphasis added).

⁹@VoteRandyFine, TWITTER, (Mar. 31, 2022, 9:17 AM), <https://twitter.com/VoteRandyFine/status/1509520362127691779>.

drugs or surgery to a minor for ‘gender reassignment.’”¹⁰ Representative Fine kept his promise.

The effort to target the transgender community, took multiple forms. In April of 2022, Florida’s Agency for Health Care Administration (“AHCA”) announced it would “review” its coverage of treatment of gender dysphoria and then took only two months to release new standards.¹¹ AHCA fast-tracked its review by handpicking its “experts” to include anti-trans activists Quentin van Meter¹² and Patrick Lappert,¹³ both of whom the district court determined were not qualified to testify as experts. The “research” in the report consisted of unpublished, unscientific, non-peer-reviewed reports,¹⁴ which Judge Hinkle found to be “a predetermined outcome, not a fair analysis of the evidence.”¹⁵ After an administrative hearing process that Judge Hinkle described as “well-choreographed,”¹⁶ the AHCA banned

¹⁰ @VoteRandyFine, TWITTER (Apr. 4, 2022, 11:40 AM) <https://twitter.com/VoteRandyFine/status/1511005843516448773>.

¹¹ Press Release, Agency For Health Care Administration, *Agency for Health Care Administration Releases Generally Accepted Professional Medical Standards Determination on the Treatment of Gender Dysphoria*, Jun. 2, 2023, https://ahca.myflorida.com/content/download/7115/file/6-2-22_AHCA_GAPMS_Press_Release_FINAL.pdf

¹² Evan Meter was disqualified from testifying as a medical expert on gender dysphoria by a Texas court. See Stephen Caruso, *A Texas Judge Ruled That This Doctor Was Not an Expert*, Pennsylvania Capital-Star, Sept. 15, 2020, <https://www.penncapital-star.com/government-politics/a-texas-judge-ruled-this-doctor-was-not-an-expert-a-pennsylvania-republican-invited-him-to-testify-on-trans-health-care/> (reporting that van Meter was disqualified as an expert in a Texas divorce case, now sealed).

¹³ Lappert was disqualified as an expert by a North Carolina federal court. See Meredith McNamara, *et al.*, *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, Page 9, July 8, 2022, https://medicine.yale.edu/lgbtqi/research/gender-affirming-care/florida%20report%20final%20july%208%202022%20accessible_443048_284_55174_v3.pdf.

¹⁴ *Id.*

¹⁵ .See *Dekker v. Weida*, No. 4:22cv325-RH-MAF, 2023 U.S. Dist. LEXIS 107421, at *50 (N.D. Fla. June 21, 2023)

¹⁶ *Dekker*, 4:22-cv-00325, ECF No. 246, pg. 10.

Medicaid coverage for gender-affirming care for all transgender Floridians—not just minors, as was the original pretext for such drastic action.

In August 2022, Governor DeSantis started actively vocalizing his animus against his transgender constituents, publicly tweeting multiple times that “gender-affirming care is a euphemism for disfiguring kids.”¹⁷ Governor DeSantis’s press secretary continued the attack, falsely stating that gender-affirming care is “not counselling,” but only “puberty blockers... and surgeries chopping off private parts.”¹⁸ Expanding the strategy beyond just messaging, Governor DeSantis fired any state attorneys who refused to enforce laws criminalizing gender-affirming care.¹⁹

Then the Florida legislature got to work again. On February 21, 2023, the Florida House of Representatives Health & Human Services Committee held a hearing on gender affirming care. Although Representative Fine opened the hearing promising a “panel of experts,” the legislators heard only from opponents of gender-affirming care. For example, David Leatherwood of the anti-LGBTQ+ extremist

¹⁷ @GovRonDeSantis, TWITTER (Aug. 16, 2022, 5:00 PM) <https://twitter.com/GovRonDeSantis/status/1559646179595407362?s=20&t=55DYjYGjIIotEUZx-AY7Og>; @ChristinaPushaw, TWITTER (Aug. 16, 2022, 6:06 PM) <https://twitter.com/ChristinaPushaw/status/1560750173814689794?s=20&t=ReChkHaAQNRRoiwNfPSCkw>.

¹⁸ @ChristinaPushaw, TWITTER (Aug. 19, 2022, 6:06 PM), <https://twitter.com/ChristinaPushaw/status/1560750173814689794?s=20&t=ReChkHaAQNRRoiwNfPSCkw>).

¹⁹ Fla. Exec. Order No. 22-176 (Aug. 4, 2022); Fla. Exec. Order No. 23-160 (Aug. 9, 2022)

group Gays Against Groomers²⁰ told the panel he believed that the LGBT community “has been hijacked by trans terrorists . . . like a trojan horse by extremists in a death cult.”²¹

In the wake of the hearing, on March 3, 2023, Representative Fine filed HB 1421 proposing to ban private insurance companies from covering gender-affirming care for Floridians of any age and to make it a felony for doctors to provide such care to minors.²² Representative Fine announced HB 1421 by tweeting, “The butchering of children will be illegal in Florida, Florida citizens will not be obligated to pay for the sexual mutilation of adults, and those tricked into this evil will have 30 years to sue . . . That’s HB 1421 and I am proud to file it.”²³ While speaking on these proposed bills, Florida House legislators openly displayed their animus against the transgender community. Representative Webster Barnaby called transgender Floridians testifying before the Florida House “mutants living among us on Planet Earth,” “demons,” “imps,” and even “Satan.”²⁴ Representative Sabatini, whose 2020

²⁰Although identifying as “gays,” the group pushes false claims and conspiracy theories about parts of the LGBTQ+ community.

²¹*Our Community Has Been HIJACKED By Trans Terrorists!*, TheDC Shorts, April 3, 2023.

²²Gender Clinical Interventions, HB 1421 (Mar. 22, 2023).

²³@VoteRandyFine, TWITTER Mar. 3, 2023,

<https://twitter.com/VoteRandyFine/status/1631676140304646144>; State Representative Randy Fine.

FACEBOOK, Mar. 3, 2023,

https://www.facebook.com/voterandyfine/posts/761831661970637?ref=embed_post.

²⁴Jim Saunders, *Florida legislator compares transgender people to ‘demons and imps’ as bathroom bill passes*,

TALLAHASSEE DEMOCRAT., April 10, 2023, <https://www.tallahassee.com/story/news/politics/2023/04/10/florida-republican-webster-barnaby-calls-trans-people-demons-mutants/70101438007/>; @Esqueer_, TWITTER (Apr. 10, 2023, 5:11 PM)

https://twitter.com/Esqueer_/status/1645534892409884681?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E1645534892409884681%7Ctwgr%5Ed5808d63f6349f5d3bb33f7d9551ec94d0c1c

efforts to pass such legislation failed, expressed his animus towards transgender individuals, including by tweeting, “It’s time to stop the transgender mutants and demons without apology”²⁵ and re-tweeting a call to ban “transgenderism” and “crush Pride Month and the businesses that promote that toxic anti-American garbage.”²⁶ SB 254 eventually was substituted for HB 1421 with the same content.

After introducing SB 254, Representative Fine promoted a series of other laws that he described as reflection of his intention to “eras[e] a community.”²⁷

SB 1438, the so-called “Protection of Children” Act, criminalizes drag performances.²⁸ Representative Fine, sponsor of the parallel HB 1423 bill, clarified the law was a continuation of the SB 254 campaign intended to “protect our children by ending the gateway propaganda” to transgenderism, “Drag Queen Story Time.”²⁹ Doubling-down, Representative Fine clarified his goal is to “erase” the transgender

421%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.tallahassee.com%2Fstory%2Fnews%2Fpolitics%2F2023%2F04%2F10%2Fflorida-republican-webster-barnaby-calls-trans-people-demons-mutants%2F70101438007%2F

²⁵@AnthonySabatini, TWITTER (Apr. 11, 2023, 4:36 PM)

<https://twitter.com/VoteRandyFine/status/1511005843516448773>.

²⁶Tori Otten, *Florida Republican Calls to “Crush” Pride Month for Being “Anti-Christian”* (July 14, 2023, 1:52 PM), <https://newrepublic.com/post/171836/florida-republican-defends-anti-drag-bill-even-means-erasing-community>.

²⁷ Prem Thakker, *Florida Republican Defends Anti-Drag Bill Even If It Means “Erasing a Community”* (April 12, 2023, 2:57 PM), <https://newrepublic.com/post/171836/florida-republican-defends-anti-drag-bill-even-means-erasing-community>.

²⁸ 2023 Fla. Laws ch. 2023-94, § 5.

²⁹ State Representative Randy Fine, FACEBOOK (March 3, 2023), https://www.facebook.com/voterandyfine/posts/761831661970637?ref=embed_post.

and larger LGBTQ+ community.³⁰ On April 19, 2023, the Florida legislature passed SB 1438.

On May 2, 2023, the legislature passed SB 1580, entitled “Protections of Medical Conscience,” which permits a wide range of healthcare providers and insurance companies to refuse to provide or pay for “any health care service on the basis of a conscience-based objection,” which could be any religious, moral, or ethical belief.³¹ This bill endangers all Floridians, but is particularly dangerous for transgender individuals and creates further barriers for Floridians seeking gender-affirming care. Governor DeSantis signed SB 1580 on May 11, 2023.

On May 3, 2023, the Florida legislature passed two more anti-LGBTQ+ bills: HB 1069 and HB 1521. HB 1069 make it the “policy” of every Florida public school that a person’s sex is “an immutable biological trait” and that it is “false” to use pronouns that deviate from that definition.³² It goes on to ban school employees from using pronouns that match their gender identity, permits anyone to disrespect

³⁰ Christie Zizo, ‘Damn right:’ Florida lawmaker’s controversial comments amid drag show drama (April 12, 2023, 6:4 PM), <https://www.clickorlando.com/news/local/2023/04/12/florida-lawmaker-on-concept-of-erasing-lgbtq-community-over-drag-show-drama-damn-right/>; @Esqueer_, TWITTER (Apr. 12, 2023, 10:57 AM) https://twitter.com/Esqueer_/status/1646165583170289664?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1646165583170289664%7Ctwgr%5E05e5d39fcf5a21c6c12b14e1006cd4947ba3a64b%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.advocate.com%2Fflaw%2Fflorida-drag-lawmaker-erase-lgbtq

³¹ See generally 2023 Fla. Laws ch. 2023-57.

³² H.R. Res. 1069 (2023).

transgender students' pronouns, and prohibits *any* discussion of sexual orientation or gender identity up to eighth grade.

HB 1521 bans all transgender people from using facilities that correspond to their gender identity in schools, prisons, or any “public buildings.”³³ It allows state-sanctioned discrimination against anyone whose appearance does not meet a stranger's expectations, allowing a person to be questioned about their gender. Referring to transgender women, Co-bill-sponsor, Florida House Representative Dean Black, tweeted, “Men do NOT belong in women's restrooms,” and HB 1521 “prohibits biological males from using women's restrooms in public facilities.”³⁴

The campaign launched by Florida's leaders has been tragically effective. On May 4, 2023, the Florida legislature passed SB 254. On May 17, 2023, Governor DeSantis signed twenty-one bills into law.³⁵ Five of those laws (SB 254, HB 1069, HB 1438, HB 1521, and HB 225) were targeted against Florida's transgender youth.³⁶

Not even federal judges are immune from the anti-transgender animus of Florida's legislators. When District Judge Robert Hinkle ruled in favor of Plaintiffs-

³³ H.R. Res. 1521, Reg. Sess. (2023)

³⁴ @DeanBlackFL, TWITTER (Apr. 19, 2023, 10:52 PM)
<https://twitter.com/DeanBlackFL/status/1648882371716841475>

³⁵ Press Release, Executive Office of Governor Ron DeSantis, *Governor DeSantis Signs 21 Bills*, May 17, 2023, <https://www.flgov.com/2023/05/17/governor-desantis-signs-21-bills/>

³⁶ Press Release, Executive Office of Governor Ron DeSantis, *Governor Ron DeSantis Signs Sweeping Legislation to Protect the Innocence of Florida's Children*, May 17, 2023, <https://www.flgov.com/2023/05/17/governor-ron-desantis-signs-sweeping-legislation-to-protect-the-innocence-of-floridas-children/>

Appellees on June 6, 2023, Representative Fine tweeted, “We will not stop fighting to defend children from those like Hinkle who support child castration and mutilation.”³⁷

CONCLUSION

Unfortunately, the legislators vested with the responsibility of enacting laws that protect Floridians have waged a campaign against a subset of their constituents by enacting laws that target the LGBTQ+ community in general and transgender people specifically. Consideration of these laws, as well as the views openly expressed by the legislators proposing them, strips away the pretext of SB 254 and lays bare the true animus behind passage of the law.

Respectfully submitted,

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³⁷ @VoteRandyFine, TWITTER (Jun 6, 2023, 12:54 PM)
<https://twitter.com/VoteRandyFine/status/1666126325269114887>

CERTIFICATE OF SERVICE

I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eleventh Circuit on November [XX], 2023, by using the appellate CM/ECF system, and service was accomplished on all counsel of record by the appellate CM/ECF system.

/s/ Debra Dandeneau
Debra Dandeneau

CERTIFICATE OF COMPLIANCE

1. This brief complies with: (1) the page limitation of Federal Rule of Appellate Procedure 29(a)(5) because it contains 4424 words, excluding the parts of the brief exempted by Rule 32(f); and (2) the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Times New Roman) using Microsoft Word (the same program used to calculate the word count).