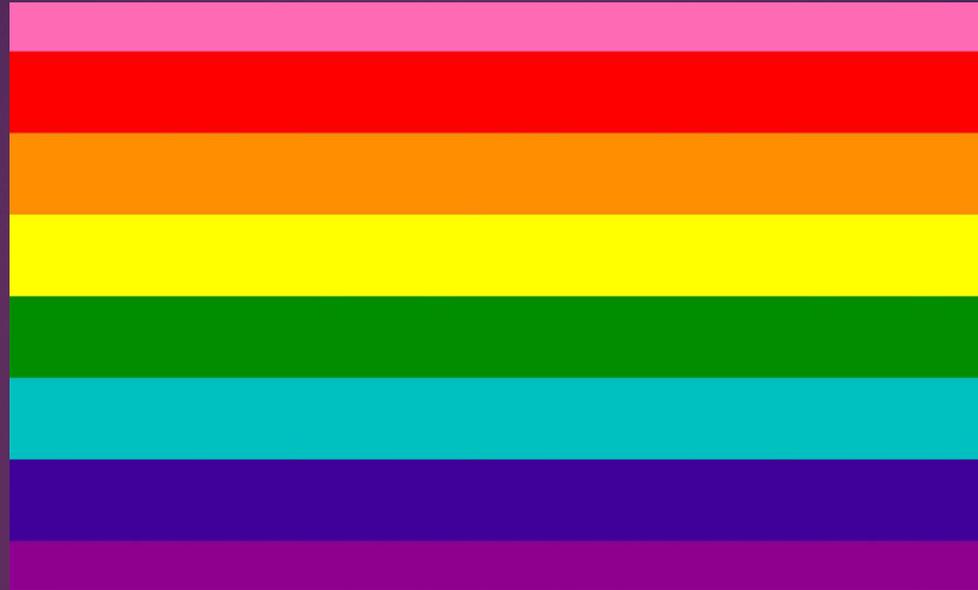


Normalizing Hate



A DIFFICULT DISCUSSION ABOUT LGBTQ+ RIGHTS IN FLORIDA

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SPONSORED BY LGBTQ+ OWNED JUNNIER LAW & RESEARCH P.A.

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Normalizing Hate: Overview

Presentation

- ▶ Far too many topics to cover in 30 minutes.
- ▶ We will focus on the April Board of Education's extension of the Parental Rights in Education Act ("Don't Say Gay") from K-3 to K-12.
- ▶ We will examine the statutory language, the new regulations, and the staff presentation and report summaries that persuaded the Board.

Discussion

- ▶ Anti-LGBTQ+ Current Events: "War on Woke," Educator Discipline, Court Halts Anti-trans Healthcare Law from Going into Effect,.
- ▶ Discussion Prompt: The State is attempting to erase gay culture and its contributions to the world from public education.
- ▶ As rational thought hasn't been persuasive, let's discuss how this affects you as a person and how this makes you feel.

Part One

HOW LAWYERS INTERPRET
ANTI-LGBTQ+ LAWS AND
REGULATIONS

The Statute

- ▶ The Parental Rights in Education Act (“Don’t Say Gay”)
- ▶ **Fla. Stat. § 1001.42(8)c3 reads in its entirety:** “Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.”
- ▶ The last version of House Bill # 1557, which took Effect on 7/1/2022 is in your packet and is also available at www.JunnierLaw.com

Board of Education Rulemaking

Rule 6A-5.065

- ▶ Applies to “Florida Educator Accomplished Practices”
- ▶ Summary does not have any reference to sex or sexual identity issues.
- ▶ (7) No classroom instruction for sexual orientation or gender identity (except possibly in health class) for grades 4-12. (Section (6) prohibits K-3 from any instruction on the topic.)

Rule 6A-10.081

- ▶ Applies to “Principles of Professional Conduct for the Education Profession in Florida.
- ▶ Summary specifically references punishment for teachers who knowingly teach about sexual orientation and gender identity.
- ▶ (7) reiterates Rule 6A-5.065(6),(7)

Florida Board of Education Rulemaking

Note that Subsection (10) of each rule reads in part:

“[Florida Educators] shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background. .

”

This may be used by the State to say that it is official policy not to discriminate against student sexual orientation, and that therefore subsections (6) and (7) cannot be interpreted as such under constitutional scrutiny. (But maybe not.)

Lawsuits

- ▶ Cousins v. Orange County (2022) Argued that the law was too vague to be Constitutional. The original complaint can be found here: [0082 second amended complaint.pdf \(lambdalegal.org\)](#)
- ▶ State Attorney General objected to the Complaint on the grounds that the law was issue neutral in prohibiting K-3 classes from discussing “sexual identity” and “sexual orientation. “[S]chools can only teach so much.” The objection can be found here: [Lambda Florida AG reponse 1.pdf \(thomsonreuters.com\)](#)
- ▶ Recently the U.S. District Court of the District of North Florida dismissed a constitutional lawsuit with prejudice because he said the groups lacked standing (standing is the right of a party to challenge the conduct of another party in court).
- ▶ That should not be a problem in the Lambda case.

Other Examples of Discriminatory 2023 Legislation

House Bills

- ▶ HB1069 (censors classroom discussions about sexual orientation or gender identity through 8th grade, expands book bans, no parental right regarding transgender pronouns for their children).
- ▶ HB 1521 (prohibits gender-inclusive restrooms and changing facilities in government buildings and correctional institutions).

Senate Bills

- ▶ Senate Bill # 254 which will drastically threaten the lives of trans-children in Florida and criminalize healthcare providers who provide medically safe gender-affirming health care.

Part Two

CURRENT EVENTS IN
CLAWBACK OF LGBTQ+
RIGHTS IN FLORIDA

DeSantis Expands “Don’t Say Gay”

DeSantis says is all about parents’ rights.

- ▶ Lack of guidance and overbroad language has led to a chilling effect on teachers and other educators.
- ▶ Contextually, “Don’t Say Gay” is being implemented as part of a broader approach to Florida’s “War Against Woke.” Florida recently blocked the College Board’s introduction of a new AP African American Studies course for high school students on the grounds that it violated Florida’s Anti-woke policies.
- ▶ The law is also being expanded as the Governor escalates his War Against the Mouse for criticizing the first iteration.

Hernando Teacher Quits Over Disney Movie

- ▶ More ambiguity leads to chilling effect.
- ▶ Teacher investigated for showing fifth graders “Strange World,” a Disney film with a peripheral gay character.
- ▶ Hernando County School Board Member Shannon Rodriguez, who asked for the investigation, also complains about “smut and porn” decorating the school libraries.
- ▶ ““You’re deflecting the real issue. You showed a movie that wasn’t sanctioned school material, thus stripping the innocence of my 10-year-old, not your 10-year-old. I did not give you that right. It’s my child,” Rodriguez said. “So you, right along with the rest of the pack that have been coming forward speaking, you want to be coddled after creating a situation. Well, unfortunately, Mrs. Barbee, it does not work that way.”
- ▶ 48 Teachers Resigned or Retired in protest. Newscast can be found here: [48 Hernando County teachers resign, retire at conclusion of school year | wtsp.com](#)

Florida's Transgender Law

- ▶ Judge Hinkle Halts Law; ambiguity as to whether the injunction applies only to the plaintiffs or to the whole law.
- ▶ Critics of Florida's law say it was written in a way to be deliberately nebulous, designed to stymie care out of fear. . . "It's not only a hostile landscape for their children," Chriss says, "but it's also so ambiguous and vague and confusing. And there [are] no clear answers as to what is and isn't allowed."
- ▶ "You know the expression, 'there's a light at the end of the tunnel and I'm almost positive it's not a train'?" she says with a rueful chuckle. "That's kind of where we're at. You know, we got the merest glimpse that it's not a train, that it's actual sunlight."

Part Three

DISCUSSION PROMPT:

THE STATE IS ATTEMPTING TO ERASE GAY CULTURE AND ITS CONTRIBUTIONS TO THE WORLD FROM PUBLIC EDUCATION.