

No. 23-12155

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

August Dekker, et al.,
Plaintiffs-Appellees,

v.

Secretary, Florida Agency For Health Care Administration et al.,
Defendants-Appellants.

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

**BRIEF OF *AMICI CURIAE* TRANSSOCIAL, SPEKTRUM HEALTH, INC.,
TRANSGENDER HEALTH EDUCATION NETWORK, SUNSERVE, AND
TRANSINCLUSIVE GROUP 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* TransSocial, SPEKTRUM Health, Inc., Transgender Health Education Network, SunServe, and Transinclusive Group 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. Transinclusive Group, *Amicus*
6. Academic Pediatric Association, *Amicus*
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10. American Academy of Family Physicians, *Amicus*
11. American Academy of Nursing, *Amicus*
12. American Academy of Pediatrics, *Amicus*

13. American College of Obstetricians and Gynecologists, *Amicus*
14. American College of Osteopathic Pediatricians, *Amicus*
15. American College of Pediatricians, *Amicus*
16. American College of Physicians, *Amicus*
17. American Medical Association, *Amicus*
18. American Pediatric Society, *Amicus*
19. American Psychiatric Association, *Amicus*
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22. Association of American Medical Colleges, *Amicus*
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54. District of Columbia, *Amicus*
55. Do No Harm, *Amicus*
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59. Donovan, Kevin, *Witness*
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62. Endocrine Society, *Amicus*
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69. Florida Policy Institute, *Amicus*
70. Florida Voices for Health, *Amicus*
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80. Heyer, Walt, *Amicus*
81. Hilgers, Michael T., *Counsel for Amicus*
82. Hinkle, Robert, *U.S. District Court Judge*
83. Hruz, Paul William, *Witness*
84. Hussein, Abdul-Latif, *Amicus*
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96. Kline, Robert, *Counsel for Amicus*
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101. Kuper, Laura, *Amicus*
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106. Lappert, Patrick, *Witness*
107. Ladue, Jade, *Plaintiff*
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110. Loewy, Karen L., *Counsel for Plaintiffs*
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113. Mauler, Daniel, *Counsel for Amicus*
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117. Meszaros, Marie Connelly, *Amicus*
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120. Mondry, Emily, *Counsel for Amicus*
121. Morrisey, Patrick, *Counsel for Amicus*
122. Morrison, Rachel N., *Amicus*
123. Nangia, Geeta, *Witness*
124. National Association of Pediatric Nurse Practitioners, *Amicus*
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126. Norohna, Maya, *Amicus*
127. North Central Florida Council of Child and Adolescent Psychiatry, *Amicus*
128. Olezeski, Christy, *Amicus*
129. Olson-Kennedy, Johanna, *Witness*
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131. Pediatric Endocrine Society, *Amicus*

132. Perko, Gary, *Counsel for Defendants*
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151. Societies for Pediatric Urology, *Amicus*

152. Society for Adolescent Health and Medicine, *Amicus*
153. Society for Pediatric Research, *Amicus*
154. Society of Pediatric Nurses, *Amicus*
155. State of Alabama, *Amicus*
156. State of Arkansas, *Amicus*
157. State of California, *Amicus*
158. State of Delaware, *Amicus*
159. State of Georgia, *Amicus*
160. State of Idaho, *Amicus*
161. State of Illinois, *Amicus*
162. State of Indiana, *Amicus*
163. State of Iowa, *Amicus*
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166. State of Maryland, *Amicus*
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168. State of Missouri, *Amicus*
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170. State of Nebraska, *Amicus*
171. State of New York, *Amicus*

172. State of North Dakota, *Amicus*
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174. State of Rhode Island, *Amicus*
175. State of South Carolina, *Amicus*
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178. State of Utah, *Amicus*
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184. Van Meter, Quentin, *Witness*
185. Van Mol, Andre, *Witness*
186. Weida, Jason, *Defendant*
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188. World Professional Association for Transgender Health, *Amicus*
189. Zanga, Joseph, *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/ Angela Vigil
Angela Vigil

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INTEREST OF AMICI CURIAE

The amici submitting this brief are a group of five Florida non-profit organizations that serve the LGBTQ+ community with medical, legal, counselling, and other necessary services. The five non-profits 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 non-profit 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 non-profit organization located in Orlando, FL, that serves the LGBTQ+ community in the Greater Orlando area and nationwide using virtual health services. Over fifty percent of SPEKTRUM Health's client base is

transgender, amount to roughly 2,500 patients. Also, over seventy percent of SPEKTRUM Health's employee workforce is transgender themselves. 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 counselling, HIV treatment and prevention, gender affirming treatment (GAT), Med-Psych management, and other STI treatment and prevention.

SunServe is a non-profit 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.

Transinclusive Group is a nonprofit organization located in Wilton Manors, FL, serving the tri-county area of Broward, Miami-Dade, and Palm Beach. Transinclusive Group pursues a mission of advocacy to protect and defend equality for all Transgender and LGBTQ+ individuals. Transinclusive Group builds relationships with community providers to end discrimination, stigma, and racial disparities to address social determinants of health, with a concentrated focus on serving people of color. Transinclusive Group provides necessary services to the South Florida community including mutual aid assistance for transgender and gender diverse individuals; rideshare vouchers to help community members safely reach essential destinations; educational workshops and health outreach, referrals to affirming community providers and resources; ongoing advocacy efforts around gender-affirming healthcare, education, reproductive rights, and other critical issues; wide-reaching anti-stigma and awareness campaigns.

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. Florida administrative agencies and boards have simultaneously enacted regulations with the same intent. These rules and laws (referred to herein collectively as “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 rules and laws mean the ability of transgender people to live openly and safely as transgender.¹

By enacting sweeping legislation and regulatory changes that affects 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 State of Florida 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, these laws reflect the State of Florida’s hostility toward

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.”).

the broader LGBTQ+ community, with particular animus being directed against transgender people.

Because Rule 59G-1.050(7) of the Florida Administrative Code (the “Challenged Exclusion”) and SB 254 are but two of many laws and regulations passed in a years-long push by Florida to discriminate against transgender and other LGBTQ+ individuals, their constitutionality should be viewed not in isolation, but rather in the overall context of the pattern of legislation and executive policies written, advocated for, 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 supports a finding, under the *Arlington Heights* framework, that the laws and regulations at issue in this matter intentionally discriminate against transgender individuals. That is their purpose and that is their effect.

ARGUMENT

A. The History of Florida's Campaign Against the LGBTQ+ Community Demonstrates that the State and Florida Legislators Acted Because of Their Animus Toward the Transgender Community When They Passed SB 254 and Enacted the Challenged Exclusion.

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 future anti-LGBTQ+ legislation.

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

² @AnthonySabatini, TWITTER (Jan 13, 2022, 11:07 AM) (emphasis added), <https://twitter.com/GovRonDeSantis/status/1506315576674865153>. Amici and Counsel fully disavow this and other disrespectful statements made about Floridians quoted throughout this brief and apologize for the any harmful affect they may have on readers. These factual quotations are included here not to amplify or support them, but rather to demonstrate the factual argument in this brief that the state and legislature's campaign against the LGBTQ+ and especially transgender community in Florida is extensive and evidenced by many different statements of concern.

³ Fla. Stat. § 1006.205.

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

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 classroom instruction on or discussion of sexual orientation or gender identity through the third grade.⁶ This law chills the speech of the 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 avoid harming 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

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

⁶ Fla. 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).

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 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 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, including the Challenged Exclusion.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

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

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.

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

In August 2022, Governor DeSantis actively vocalized 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

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 *Id.* at *10.

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).

The Florida legislature was not done. 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 group Gays Against Groomers²⁰ told the panel he believed that the LGBTQ+ 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

²⁰ Although 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.

²² Gender 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.

Floridians testifying before the Florida House “mutants living among us on Planet Earth,” “demons,” “imps,” and even “Satan.”²⁴ Representative Sabatini, whose 2020 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, HB 1421’s senate companion, was eventually passed and enacted 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

²⁴ Jim 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%7Ctwterm%5E1645534892409884681%7Ctwgr%5Ed5808d63f6349f5d3bb33f7d9551ec94d0c1c421%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>.

²⁶ Tori 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.

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 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

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

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%7Ctwterm%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.

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 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 critically 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,

³² H.R. Res. 1069 (2023).

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/>.

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 against the State in the parallel lawsuit *Doe v. Ladapo* on June 6, 2023, Representative Fine tweeted, “It’s clear that Democrat Judge Hinkle is a science-denying wokeist whose radical order will soon be overturned by jurists who actually believe in science. We will not stop fighting to defend children from those like Hinkle who support child castration and mutilation.”³⁷

Similarly, the State’s anti-transgender animus has driven it to openly defy Judge Hinkle’s injunction declaring SB 254 and the Challenged Exclusion unconstitutional by continuing to categorically ban Medicaid coverage of puberty-delaying medications and gender-affirming for the treatment of gender dysphoria. Plaintiffs-Appellees have been forced to file a Motion to Enforce the Court’s

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/>.

³⁷ @VoteRandyFine, TWITTER (Jun 6, 2023, 12:54 PM), <https://twitter.com/VoteRandyFine/status/1666126325269114887>. With apologies to this Court, please note that Amici and their Counsel apologize for the disrespectful comments made about any member of the bench and do not in any way endorse this behavior. They are included here only as supportive of the arguments of this brief that the campaign of the state and legislature is extensive.

Judgment to correct the State's brazen refusal to abide by the orders of a federal district judge.³⁸

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 the Challenged Exclusion, and lays bare the true animus behind passage of these laws and regulations. Amici urge this Court to consider the pending appeal in the context of this campaign of animus launched and perpetuated by the State and legislative members of Florida.

Respectfully submitted,

TransSOCIAL, SPEKTRUM Health, Inc.,
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³⁸ See generally Plaintiffs' Motion to Enforce the Court's Judgment or, Alternatively, to Clarify the Court's Judgment [Dkt. 258], *Dekker v. Weida*, No. 4:22-cv-00325-RH-MAF (N.D. Fla. Oct. 4, 2023).

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 December 4, 2023, by using the appellate CM/ECF system, and service was accomplished on all counsel of record by the appellate CM/ECF system.

/s/ Angela Vigil
Angela Vigil

**CERTIFICATE OF SATISFACTION OF ATTORNEY-CONFERENCE
REQUIREMENT**

Pursuant to Fed. R. App. P. 29(a)(2), counsel for amici contacted counsel for the parties on November 13, 2023, and asked whether they consent to the filing of amici's brief. Counsel of both Plaintiff-Appellees (on November 28, 2023) and Defendant-Appellants (on November 13, 2023, and November 21, 2023 respectively) indicated that they did not object to the filing.

/s/ Angela Vigil
Angela Vigil

CERTIFICATE OF COMPLIANCE

This brief complies with: (1) the page limitation of Federal Rule of Appellate Procedure 29(a)(5) because it contains 4,678 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).

/s/ Angela Vigil _____
Angela Vigil