



# Lawful Extremism

## Florida's Anti-Trans Laws

Beth Daviess and J.M. Berger

December 2024



Middlebury Institute of  
International Studies at Monterey

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# Lawful Extremism: Florida's Anti-Trans Laws

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Extremist ideology as subtext of the law



Beth Daviess and J.M. Berger

To Cite: Daviess, Beth, and Berger, J.M. "Lawful Extremism: Florida's Anti-Trans Laws." *Center on Terrorism, Extremism and Counterterrorism, Middlebury Institute of International Studies*. Occasional paper. December 2024.

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### Acknowledgements

Thanks are due to the Center on Terrorism, Extremism, and Counterterrorism for supporting this work. Thanks to Dr. Amy Cooter, who edited the report and provided valuable feedback, and Ary Smith, who provided vital insight.

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## **Abstract**

Can anti-trans laws be extremist? The third installment in the “Lawful Extremism” series examines two legislative sessions of the Florida State House of Representatives, during which three pieces of legislation were enacted that each implicated the rights of transgender people and those who support them. This paper considers whether the text of this legislation and the rhetoric used by bill sponsors and supporters articulate an extremist system of meaning, and how lawful extremist movements may choose to create friction to burden the lives of their chosen out-group rather than banning or imprisoning them outright. We then analyze how legislators may rhetorically obfuscate their system of meaning, often relying on inflammatory allegations of harm to women and children. We situate these strategies within the history of extremism and conclude by considering the consequences of this and similar anti-trans efforts around the United States.

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# 1. Introduction

On April 17<sup>th</sup> and 18<sup>th</sup> of 2023, the Florida State House of Representative held two legislative sessions during which they passed three bills, all aimed at limiting the rights of transgender people or imposing restrictions on the broader LGBTQIA+ community.

Over the course of two four-hour House hearings, sponsors and supporters of the bills painted a disturbing picture of a society in crisis, claiming that they were doing what was necessary to protect the most vulnerable in society from evil and corrupting influences. They associated those influences with the belief that transgender people exist and have a right to fully participate in society.

The hearings were the public face of a systematic nationwide campaign to restrict healthcare and civil rights for transgender people at the state level. Florida, with its sympathetic governor and Republican-controlled legislature, has served as an incubator for similar efforts elsewhere, including twenty-five other states that have enacted restrictions on transgender healthcare.<sup>1</sup>

Building on the previous installments in the “Lawful Extremism” series, this paper will examine the contents of the two-day session and the bills passed therein to consider whether and how they articulate a complete extremist system of meaning and whether they should be understood as extremist.

As in our previous papers, we will examine the rhetoric of the anti-trans legislators through the lens of Social Identity Theory. The paper will then analyze specific elements of that rhetoric, including the use of indirect action and veiled language to obscure extremist intent, the use of children as a pretext to justify hostile action against transgender people, and how lawful extremist movements may choose to create friction to burden the lives of their chosen out-group rather than banning or imprisoning them outright.

## 1.1. Terms and Definitions

Though the definition of extremism is contested, our previous papers on lawful extremism have adopted a conception of extremism based on Social Identity Theory and predicated on how in-groups interact with out-groups.<sup>2</sup> As we argued in our previous papers, this definition avoids the relativism and instability of a category based on asserting extremism as marginality, an alternative framework used by many scholars. This paper will adopt the terms and definitions used in *Extremism* (Berger, 2018), “Lawful Extremism: Extremist Ideology and the Dred Scott Decision” (Berger, 2023), and “Lawful Extremism: The Chinese Exclusion Act” (Davies & Berger, 2024), including:

- In-group: The group to which one belongs.
- Out-group: A group that is excluded from the in-group.
- Extremism: The belief that an in-group can never be healthy or successful unless it is engaged in hostile action against an out-group.
- Extremist in-group: A specific extremist movement or entity, such as al Qaeda.
- Eligible in-group: The broad identity group that an extremist movement claims to represent and to which it appeals for support. For example, the al Qaeda's eligible in-group would be Sunni Muslims.
- System of meaning: In an extremist system of meaning, an eligible in-group is said to be threatened by a crisis that is blamed on an out-group or -groups. The extremist in-group says the crisis can be solved by taking hostile action against the out-group or -groups.
- Lawful extremism: The belief that a legally dominant in-group can never be healthy or successful unless it is engaged in hostile action against a legally marginalized out-group. Lawful extremism is the form of extremism that emerges when extremists control a society's levers of power.<sup>3</sup>

The Florida laws discussed in this paper reference the concept of sex as a binary with the only categories being male and female. For the sake of clarity, this paper will follow the debate's use of the term "opposite sex" to refer to the perceived "opposite" of the biological sex assigned to an individual at birth. This should not be construed as endorsement of the concept of gender as a binary or gender as an identity that can only be correlated with sex assigned at birth.

## **1.2. Methodology**

This paper will examine transcripts of the Florida State House of Representative sessions that took place on April 18 and 19, 2023, as well as the text of the bills passed by the House during these sessions. Each bill was presented by a bill sponsor, who then answered questions from fellow members about the proposed legislation. A period of debate was held for each bill during which members could argue for or against the substance of the legislation. Members also had the opportunity to propose and vote on amendments to the text of the bill. On April 19, a final vote was held for each bill and the results were announced. Video of these sessions are available online.<sup>4</sup>

Testimony from other full House hearings, as well as public statements made by representatives related to each bill were also examined. Additional legislative history, including committee hearings on the relevant bills, were also reviewed to provide additional context to the arguments being advanced by the legislators.<sup>5</sup>



A close reading and textual analysis was supplemented with machine-assisted analysis of the session transcripts using the semantic tool SketchEngine to identify key themes, quantify concepts, and search the text for keywords and their contexts. SketchEngine outputs were then analyzed using Linkage-Based Analysis, a method for classifying concepts related to extremism.<sup>6</sup> Keywords and concepts identified within the transcripts and bill texts were then coded and visualized using NodeXL.<sup>7</sup>

SketchEngine's augmented reading tools allowed us to identify words that were used more prominently in the transcripts than in ordinary usage, to quickly compare how those terms were used in a sentence context, and to identify collocations and other relationships between words and phrases. Significant words and phrases were then mapped, both manually and using NodeXL's graphing function, to key concepts within an extremist system of meaning (Section 3), including but not limited to words that denoted in-groups, out-groups, crises and solutions (hostile actions), and their subcategories.

## **2. Legislation and debate**

Over the last several years, state legislatures have engaged in a coordinated series of attempts to restrict the rights of LGBTQIA+ individuals, with a particular focus on transgender people. Viewed by conservatives as an unpopular and politically inconsequential minority, transgender people tend to receive less political support than the rest of the LGBTQIA+ community.<sup>8</sup> Most Americans have little experience directly interacting with trans people,<sup>9</sup> and in polling, a majority of Republicans and a plurality of all Americans say that society has gone too far in accepting people who are transgender.<sup>10</sup> These low levels of support and familiarity have led some Republican-controlled state legislatures to see transgender people as easy targets for hostile action, nominally in the service of opposing a wider progressive agenda.

Many of these targeted efforts center on purportedly protecting children from alleged harms perpetrated by transgender people and their allies. These narratives allege the existence of a multifaceted crisis in which children are exposed to dangerous or age-inappropriate ideas about gender identity, dangerous transgender people who might victimize them, and a dangerous medical system that may push them into receiving inappropriate or harmful gender-affirming medical treatments.<sup>11</sup>

Anti-trans legislative efforts include so-called "bathroom bills," which restrict trans people from using the bathroom that matches their gender identity under the guise of protecting vulnerable groups from victimization by sexual predators. The supposed threats these bills address are most often framed as men alleged to dress as women to enter women's bathrooms with the explicit intent to victimize women and young girls. The most well-known early bathroom legislation was introduced in North Carolina in

2016, and was faced with enormous backlash because it was projected to cost the state \$3.7 billion in lost business over the course of twelve years.<sup>12</sup> The act was repealed within a year, and subsequently several other conservative state legislatures rejected their own similar bills.<sup>13</sup> Since 2021, bathroom bills have experienced a resurgence in popularity. In 2021 and 2022, eleven bathroom bills were filed in state legislatures, though none passed.<sup>14</sup> Since the beginning of 2023, twelve states have successfully passed bathroom bills.<sup>15</sup>

Politicians and activists have increasingly expanded their focus to measures that restrict healthcare for transgender people, in particular treatment of transgender youth. Some transgender people, including trans youth, experience gender dysphoria, feelings of discomfort or distress arising from the incongruity between one's gender identity and one's sex as assigned at birth or sex-related physical characteristics.<sup>16</sup> Gender dysphoria can have very serious impacts on an individual's mental health.

Transgender youth and their families may seek out medical and mental health care of various types to treat their gender dysphoria. Known as gender-affirming care, these services may include some combination of counseling and assistance with social transitioning, use of puberty blockers to pause adolescent sexual development, hormone therapy to allow development of secondary sex characteristics consistent with one's gender identity, and in some cases, surgical interventions.<sup>17</sup>

Transgender youth very rarely receive surgical interventions, and only a limited number receive hormone therapy or puberty blockers as part of their care. Decisions to pursue this care are typically made through a lengthy process of consultation among the child, their parents, and their medical providers.<sup>18</sup> Despite the rarity of these measures, Republican politicians and activists have promoted narratives that claim children are being rushed into dangerous and irreversible medical procedures at high and increasing rates.<sup>19</sup>

Florida Gov. Ron DeSantis has dedicated significant legislative efforts to targeting LGBTQIA+ people generally and transgender people specifically. Under DeSantis's leadership and in coordination with a legislature currently held by a Republican supermajority, Florida has become an incubator for anti-trans legislation, pioneering draconian efforts to legally restrict the rights of transgender youth and adults.

## **2.1. The 'Thunderdome of Hate'**

Over the course of two days in April of 2023, the Republican supermajority within the Florida State House of Representatives passed three bills aimed at limiting the rights of transgender and other LGBTQIA+ individuals.

- The first banned transgender people from using a bathroom that does not match their gender assigned at birth in public and government-owned facilities.
- The second established penalties for businesses that admit children to “adult live performances,” a measure meant to target drag shows without specifically naming them.
- The third was a sweeping restriction on gender-affirming medical care, prohibiting government entities including the state Medicaid program from providing insurance coverage for any gender-affirming care and altogether banning gender-affirming care for children under 18. It also allows certain gender-affirming procedures to be entered as evidence of child abuse in custody proceedings and grants the state emergency jurisdiction over children who receive such care.

The two-day session took place over almost eight hours of debate and, as Florida Republicans hold a supermajority in the House, each bill was passed by significant margins. Democratic Representative Michele Rayner-Goolsby, the only openly queer representative currently serving, described the two-day session as a “Thunderdome of Hate.”<sup>20</sup>

## **2.2. “Safety in Private Spaces Act” (HB 1521)**

The first bill put forward during the “Thunderdome” session was HB 1521, the Safety in Private Spaces Act, introduced by Representative Rachel Plakon.<sup>21</sup> The bill closely mirrors legislation in many other Republican-held state legislatures that explicitly targets transgender people’s use of restrooms consistent with their gender identity, such as North Carolina’s “bathroom bill.”<sup>22</sup>

HB 1521 targets individuals who use a public restroom assigned to a gender that does not correspond to their sex as assigned at birth. It defines “female” as “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs,” while defining “male” as “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.”

HB 1521 requires that all schools, businesses, and government entities provide either a unisex single-occupancy bathroom or changing facility, or bathrooms and changing facilities designated for exclusive use by females or males. The act requires that schools, universities, and correctional institutions establish disciplinary procedures for students or staff who “willfully” enter and refuse to depart a restroom designated for the opposite sex. Finally, the act provides that an individual who refuses to depart a facility designated for the opposite sex when asked to do so may be charged with criminal trespass, a misdemeanor punishable by up to one year in jail.<sup>23</sup> Limited exceptions are made, including for people who have a “medically verifiable genetic disorder of sexual

development” or are accompanying a child under the age of 12 or an elderly person, law enforcement personnel, rendering emergency medical assistance, custodial maintenance, or if the appropriate restroom is out of order.

### **2.2.1. Debate**

During debate on the bill, Plakon scrupulously avoided mentioning transgender people, framing the bill as necessary to protect women and children from sexualized violence. She highlighted three events she claimed demonstrated the need for the statute, all of which, according to Plakon, involved “biological males” assaulting “little girls” or “female students.” When questioned by opponents about the effects of the restrictions on transgender people, Plakon noted that the bill does not refer to transgender people, nor had she mentioned transgender people in her argument. Plakon instead frames the issue as one of protecting “biological females” from “biological males” who may enter women’s bathrooms and harm them. In press conferences regarding the bill, Plakon is careful to state that “[t]his bill does not target transgender or any particular group whatsoever,” but rather “[t]his is about safety, decency and decorum in all of our private spaces . . . . There has been numerous instances across the United States and overseas where most of the time it's a male . . . entering a women's restroom or changing facility, and there have been sexual assaults.”<sup>24</sup>

Despite Plakon’s efforts to obscure the bill’s targeting of transgender people, her supporters in the House were somewhat less careful, with statements including “from time immemorial, there have been men, and there have been women, and before confusion entered the land, we all knew what bathroom to go to.”

During a Florida House Commerce Committee hearing on HB 1521 earlier in April, committee members heard from a number of transgender Floridians and allies who believed the legislation would be harmful to them. In response, Representative Webster Barnaby stated the following:

To all the folks in the audience that consider themselves gender dysphoria [sic], cis, I don’t know what all that means. I really don’t know what all that means. I’m looking at society today and it’s like I’m watching an X-men movie. With people that when you watch the X-men movies, or Marvel comics, it’s like we have mutants living among us on Planet Earth. Some people don’t like that, but that’s a fact. We have people who live among us today on Planet Earth that are happy to display themselves as if they were mutants from another planet. This is Planet Earth, where God created men, male and women, female! . . . This bill is about public safety, and as the sponsor of the bill says, we have children being assaulted in

bathrooms. Our job as lawmakers is to do our best to protect those in our society that can't protect themselves, and that is our children. ... I'm offended that people can come before this committee and try to intimidate us, try to strike fear into us. It's time to push back. There is so much darkness in our world today, so much evil in our world today. So many people who are afraid to address the evil, the dysphoria, the dysfunction. I'm not afraid to address the dysphoria or dysfunction. The Lord rebuke you Satan and all of your demons and imps that come parade before us. That's right I called you demons and imps who come and parade before us and pretend that you are part of this world.<sup>25</sup>

A few minutes later, Barnaby apologized for some of his comments, stating "I referred to trans people as demons . . . I would like to apologize to the trans community for referring to you as demons."<sup>26</sup>

Democratic representatives spent much of the allocated debate time questioning Plakon about the method of enforcement of the provisions. They attempted to clarify what would happen if a person used a restroom that did not match their sex assigned at birth, who had the right to make an allegation under the statute, and what should be done if the alleged violator did not leave the restroom.

Plakon steadfastly avoided giving any specific answers on enforcement, only stating that a bystander should call an owner, manager, or law enforcement if they believed a person used the incorrect restroom, but that any further steps would be left "up to officer discretion." Nor could Plakon provide answers to her opponents' questions regarding people with an androgynous appearance, who might be targeted under the statute despite using the restroom corresponding to their sex assigned at birth. Plakon expressed no sympathy for the inevitable impact on transgender children and adults; when Plakon was asked whether there was any concern "that a trans kid is not going to be able to pee because they don't feel comfortable going to the bathroom" associated with their sex assigned at birth," Plakon responded "no."

On April 19, 2023, HB 1521 passed in the House with a vote of 80-37 along party lines. The Senate subsequently amended the bill to apply only to publicly owned building, facilities that receive public licenses, and nearly all educational institutions and prisons.

Trans and non-binary activists filed a lawsuit alleging the law was unconstitutional, requesting a restraining order prohibiting enforcement while the case is pending. A federal judge denied a request for injunctive relief.<sup>27</sup>

## 2.3. “Protection of children” (SB 1438)

Representative Randy Fine introduced SB 1438, establishing civil and criminal penalties for any business or individual that exposes children to what the proponents deem to be adult-oriented live entertainment, specifically circumscribing drag shows with children in attendance.<sup>28</sup> SB 1438 targets venues and individuals that host “adult live performance,” which it defines as a show, exhibition, or other presentation which:

depicts or simulated nudity, sexual conduct, sexual excitement, or specific sexual activities . . . lewd conduct, or the lewd exposure of prosthetic or imitation genitals or breasts when it (1.) predominantly appeals to a prurient, shameful, or morbid interest, (2.) is patently offensive to prevailing standards in the adult community of this state as a whole with respect to what is suitable material or conduct for the age of the child present and (3.) taken as a whole, it without serious literary, artistic, political, or scientific value for the age of the child present.

SB 1438 prohibits “exposing children to an adult live performance,” and establishes a misdemeanor for individuals or businesses that knowingly do so, punishable by up to one year in prison.<sup>29</sup> It also prohibits government entities from issuing permits to businesses or individuals to host adult live performances with children present.

### 2.3.1. Debate

Throughout debate on the bill, Fine refused to concede that the legislation was meant to target drag shows in particular. Like Plakon, Fine was also careful to avoid explicitly targeting the LGBTQIA+ community in describing the purpose behind his bill. Fine noted that the bill does not mention drag shows. However, the criteria of “prosthetic or imitation ... breasts” applies squarely to most drag shows. Male-presenting prosthetics, known as packers, typically worn beneath clothing, would also be covered by the law.

During a State Administration and Technology Appropriations Subcommittee hearing shortly before the bill’s passage, Fine alleged that his opponents, rather than the House Republican caucus, were maligning the LGBTQIA+ community by suggesting that the bill would apply to drag events:

I find many of the arguments in opposition to this bill to be incredibly harmful to the gay and lesbian community. I find it stunning that in order to justify that community, you have to stand up and demand that children, that children, be exposed to this. They’re the ones that believe this definition speaks to them, not me. I haven’t said that. I was very clear, I can’t judge, I don’t know. . .

We have a definition, and they're the ones that are saying this definition applies to them. Well, if it means erasing a community because you have to target children then damn right, we ought to do it. I just don't think you have to inherently say because you are lesbian or gay that you want to target children, I find that statement to be offensive to them.<sup>30</sup>

But on his social media accounts, Fine leaned into allegations that the LGBTQIA+ community in general, and drag shows in particular, constitute sexual grooming of children. On March 3, 2023, Fine posted on Facebook that he proposed the bill to counter “radical ‘transgender’ theory,” and “protect our children by ending the gateway propaganda to this evil – ‘Drag Queen Story Time.’ I will relish the battle ahead.”<sup>31</sup> On April 14, 2023, just days before the Thunderdome sessions, Fine posted on X “the perverts who wish to groom our children will stop at nothing to achieve their ends,”<sup>32</sup> alluding to the baseless allegation that LGBTQIA+ people sexually groom children.<sup>33</sup>

During debate on the bill, Fine chided his colleagues for asking the wrong questions, when “the right question is not why do I want to stop children from going to these kinds of events, the question is why are they so determined to do it to children.” Though Fine claims that he would have put forward a bill banning drag shows if that was his intent, the only example of prospectively violative behavior he cited was a drag performance. When asked whether he was concerned that the bill was targeting drag culture or the trans community, Fine stated “I’m not concerned.” SB 1438, which had already passed a vote in the Senate by 28-12, passed in the House 82-32.

A burger restaurant that features drag shows at locations in Orlando and Jacksonville filed a lawsuit, alleging the law violated its First Amendment rights. A federal judge issued a preliminary injunction preventing the law from going into effect, concluding that the “statute is specifically designed to suppress the speech of drag queen performers.”<sup>34</sup> The Supreme Court declined to overturn the injunction on an emergency appeal in November of 2023, though the Court did not address the constitutionality of the underlying statute.<sup>35</sup> The injunction remains in place as the case proceeds.

## **2.4. “Treatments for Sex Reassignment” (SB 254)**

Finally, Fine, as well as Representative Ralph Masullo introduced SB 254, “an act relating to treatments for sex reassignment,” imposing extensive regulations on transgender adults’ ability to access gender-affirming care and banning its use altogether for transgender minors.<sup>36</sup> It also targets the doctors and parents of trans children who assist them in receiving gender-affirming care.

The “sex-reassignment prescriptions and procedures” targeted by the bill are defined to cover (1) “puberty blockers,” but only if administered for the purpose of “attempting to stop or delay normal puberty in order to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex;” (2) “hormones or hormones antagonists to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex;” (3) “any medical procedure, including a surgical procedure, to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex.”

The act differs from HB 1521 in its definition of “sex” as “the classification of a person as either male or female based on the organization of the human body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.” Like HB 1521, the act makes an exception for individuals with “disorders of sexual development” and “external biological sex characteristics that are unresolvably [sic] ambiguous,” often known as intersex people. The act also does not cover these prescriptions or procedures when prescribed for something other than gender affirmation of trans people, such as the common use of puberty blockers for “precocious puberty,” when a child begins to exhibit signs of puberty at a very early age.<sup>37</sup>

Though only ten pages long, the act covers a broad array of activities for both adults and children. First, the act prohibits doctors from performing sex-reassignment prescriptions and procedures for patients under 18, classifying willful violations as felonies punishable by up to five years in prison, while allowing a limited exception to grandfather-in those who had begun receiving treatment by the date of the act’s enactment.<sup>38</sup> The act also creates a civil cause of action for damages against providers of sex-reassignment prescriptions and procedures who provide care to an individual under 18, with a 20-year statute of limitations and unlimited punitive damages.

Second, the act allows a court to take “temporary emergency jurisdiction” of a child in the state if “it is necessary in an emergency to protect the child because the child has been subjected to or is threatened with being subjected to sex-reassignment prescriptions or procedures.”

Third, the act allows parents or guardians in child custody disputes to file an application for physical custody of a child “if the child is likely to imminently suffer physical harm or removal from this state. Serious physical harm includes, but is not limited to, being subjected to sex-reassignment prescriptions or procedures.”

Fourth, the act prohibits any government entity, including all government employers as well as universities, “the state group health insurance program,” and any “managing



entity . . . or managed care plan” providing services under Medicaid from expending state funds for “sex-reassignment prescriptions or procedures.”

Lastly, the act requires that people over 18 who seek these treatments must provide “informed consent” in the physical presence of the prescribing physician. Because 80% of adults receive prescriptions for gender-affirming care through advanced practice registered nurses (APRNs)<sup>39</sup>, the provision would curtail gender-affirming care by requiring physicians to provide care rather than nurse practitioners or physicians’ assistants. Nurses and physicians’ assistants may still provide the same prescriptions and procedures to non-transgender patients. This restriction also has the effect of preventing the administration of gender-affirming care through telehealth.

### **2.4.1. Debate**

The sponsors and supporters of SB 254 went into graphic detail in their justification of the provision’s necessity. Although gender-affirming surgeries are rarely performed on minors<sup>40</sup> and the vast majority of gender-affirming care for minors takes the form of puberty blockers and hormone therapy, debate centered on gender-affirming surgeries, portraying them as gruesome mutilation of children. One representative described the banned procedures as:

[t]aking little children, and they put them to sleep, they cut off their breasts, they sever their genitalia, they throw them in the trash, they then give them chemicals to alter their physiology, they are never the same again, disfigured, crippled. It was said earlier that today we confront evil members. This is evil. What I just described is gruesome and it is diabolical.

The same representative later stated that “prison is the right place for people who sexually mutilate minor children.” Fine, the bill’s primary sponsor, stated “[w]e can declare, and we should scream it from the rooftops that mutilating a child to remove perfectly healthy organs is not healthcare, it is butchery.”

Debate also questioned whether transgender people should or do exist, justifying the restriction of gender-affirming care with a rejection of the existence of transgender people, obviating the need for trans-specific healthcare. According to Fine:

[W]e can reject their made-up words of gender-affirming care, cisgender, nonbinary and whatever nonsense they come up with next. We lean in because we are right, we can fight for children, we can declare in unambiguous terms that defying the natural process of puberty is not healthcare, it’s an abomination, we can fight for children.

When asked by Democratic representatives to explain what portions of the bill impacted transgender adults, Fine stated “I reject the premise of the question,” and later reiterated that he “reject[s] the premise of gender-affirming care.” Fine went on to state that his bill supported the idea that “there X chromosomes and there are Y chromosomes. And what you're born with is what science said you are.” Fine alleged that transgender people were playing “choose your own adventure,” asserting that “we cannot speak something into existence that doesn’t exist. We cannot change our sex.” The bill passed 82-31.

Four transgender adults and seven parents of transgender minors sued to enjoin enforcement of SB 254, claiming it violated both equal protection and substantive due process rights. In June of 2024, a federal district court in the Northern District of Florida issued an injunction, blocking both the ban on care for minors, and the restrictions imposed on care for adults. In doing so, the court concluded that the law was motivated by animus against transgender people and did not serve a legitimate state interest and was therefore a constitutional violation. The court examined the congressional and administrative history for “animus against transgenders includ[ing] not only bias of the kind sometimes directed at racial or ethnic minorities or women but also a belief that transgenders should not exist at all—or should not be allowed to pursue their transgender identities.”<sup>41</sup>

The court found that Representative Barnaby’s statement during the House committee hearing on HB 1521 calling transgender people mutants and demons as well as other statements made during the full House hearings “make clear that the sponsors’ purpose, at least in part, was to prevent individuals from pursuing their transgender identities.”<sup>42</sup> The court went on to conclude that there was “overwhelming evidence that the House sponsors and a significant number of other House members were motivated by anti-transgender animus.”<sup>43</sup>

The district court’s decision was appealed to the Eleventh Circuit Court of Appeals, home to a six-judge conservative majority all of whom were appointed by the Trump Administration. The Eleventh Circuit previously upheld Alabama’s ban on gender-affirming care for minors in *Eknes-Tucker v. Governor, of the State of Ala.*, 80 F.4th 1205, 1228 (11th Cir. 2023), and on August 26, 2024, stayed the district court’s decision, allowing Florida to enforce SB 254.<sup>44</sup> The Eleventh Circuit concluded there was insufficient evidence to overturn the presumption that the legislature acted in good faith, and that the “inappropriate comments of a few state representatives . . . even the legislation’s sponsor,” did not speak for all legislators and were therefore insufficient to demonstrate that the legislation was motivated by animus towards transgender people.<sup>45</sup>

## 2.5. Other bills

Though illustrative examples, the Florida House's focus on restricting the rights of transgender individuals has not been confined to this two-day session in April of 2023. A few weeks earlier, on March 31, 2023, the House passed HB 1069, prohibiting school employees from asking students to use their preferred pronouns and restricting school employees from using pronouns that "do not correspond" to their sex assigned at birth.<sup>46</sup> The statute also expanded a 2022 restriction on education pertaining to sexual orientation and gender identity, commonly known as Florida's "Don't Say Gay" law, to include pre-kindergarten through eighth grade.<sup>47</sup>

Numerous bills attempting to further restrict transgender people were introduced but not passed. Though not in the final version of the gender-affirming care ban, the House version of SB 254 originally included restrictions on the ability of transgender people to change their birth certificate to correspond with their gender identity.<sup>48</sup> Representative Blaise Ingoglia proposed requiring employers that provide any insurance coverage for gender-affirming care to also provide coverage for care to reverse the effects of those treatments.<sup>49</sup>

In 2024, Republican members passed HB 1233/1639, a sweeping statute requiring trans people to list their sex assigned at birth on government documents or risk revocation of the document.<sup>50</sup> HB 1233/1639 also revives the attempt to require insurance coverage for reversing the effects of gender-affirming care. It further requires coverage of treatments generally known as "conversion therapy"—a pseudoscientific practice that attempts to change people's sexual orientation or gender identity.<sup>51</sup> The bill also defines the term "sex" under the Florida Civil Rights Act of 1992 to refer only to sex assigned at birth and revises antidiscrimination statutes and regulations to provide protection on the basis of sex, rather than gender, an attempt to prevent transgender people from alleging unlawful discrimination based on their transgender status. After its passage in the House by a 75-33 vote, the bill has stalled in the Senate.

Currently, 26 states in total, home to approximately 117,600 trans youth, have enacted either complete bans on gender-affirming care, or bans on gender-affirming care for minors.<sup>52</sup> Courts have issued injunctions against the bans in Florida, Ohio and Montana, with litigation pending in Alabama, Arkansas, Georgia, Indiana, Kentucky, North Carolina, Tennessee, and Texas. The U.S. Supreme Court temporarily allowed Idaho to enforce its ban on care for minors, and on June 24, 2024, agreed to hear arguments in a case challenging complete bans in Tennessee and Kentucky. The Court will hear arguments this fall, and likely issue a decision in June of 2025.

### 3. System of meaning

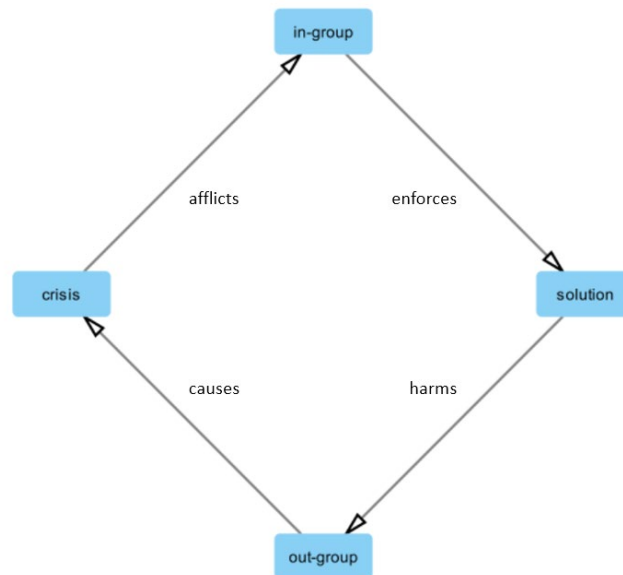


Figure 1: The extremist system of meaning

Extremist ideologies typically contain a system of meaning, a narrative stating that an out-group is the cause of a crisis that affects the in-group, and the in-group must solve the crisis by taking hostile action against the out-group. To qualify as extremism under the definition used herein, an ideology must argue that the solution to the crisis—hostile action against the out-group—is unconditionally necessary to ensure the success or survival of the in-group. Hostile actions include a range of activities. Some of these are relatively mild, such as shunning or self-segregation. Others are more actively harmful, including verbal harassment, enforced segregation, and violent strategies such as terrorism and genocide.<sup>53</sup>

Some extremist groups employ this basic system of meaning as a simple and obvious script, but most emphasize some elements and de-emphasize others. During the legislative sessions on April 18 and 19, 2023, and in other, related public comments, the state House members who sponsored and supported these bills articulated all of the elements of an extremist system of meaning—but not all at once.

Extremist movements actively construct in-group and out-group identities. Dominant movements or movements in flux sometimes choose to construct and define out-groups in considerably more detail than their in-group. By focusing on out-group construction,

extremist ideologists seek to avoid heightening in-group divisions or escalating in-group conflicts.<sup>54</sup>

Extremist members of a dominant in-group may seek to implement unpopular policies that impose harms on members of an out-group. By obscuring the elements of the system of meaning, they seek to win support for specific measures that might not succeed if more plainly stated. Once implemented, these measures benefit from being perceived as the status quo,<sup>55</sup> opening the door to escalating harms in the future.

More simply put, proponents of an extremist ideology may seek to avoid being characterized as extremists, since extremism has negative connotations. In the Florida debate, supporters of the anti-trans legislation discussed here chose to obscure the in-group, the out-group, the crisis and the solution at various points in the debate.

From an academic standpoint, the question that presents itself is whether a close reading of the debate and related comments by the bill's supporters articulate an extremist system of meaning and an extremist program of hostile action against an out-group. To consider this, we will examine each component of the system of meaning and test them against the debate surrounding the three "Thunderdome" bills.

During the debate, the in-group is most often left implicit, described as "Floridians," "our society," "the prevailing culture," and "our culture," with contextual clues pointing to its intrinsic nature (cisgender and Christian). The debate also identified subdivisions of the in-group, which will be detailed below.

The nature of the out-group—transgender people—is also mostly left implicit during the hearings, although critics of the bills clearly identified them. Several supporters took pains to say that the bills did not target transgender people, yet their comments in the hearings and in other forums make clear that they consider trans people an out-group and that the bills are intended to selectively regulate, administratively burden or even outlaw people with trans identities. The crisis and solution arguments are similarly complex in their presentation. Each bill is presented as a solution to a narrowly specific crisis, but supporters also explain that the bills together are intended to solve a more globalized, multifaceted crisis affecting society on multiple levels.

In the pages that follow, we will examine these "system of meaning" elements in detail.

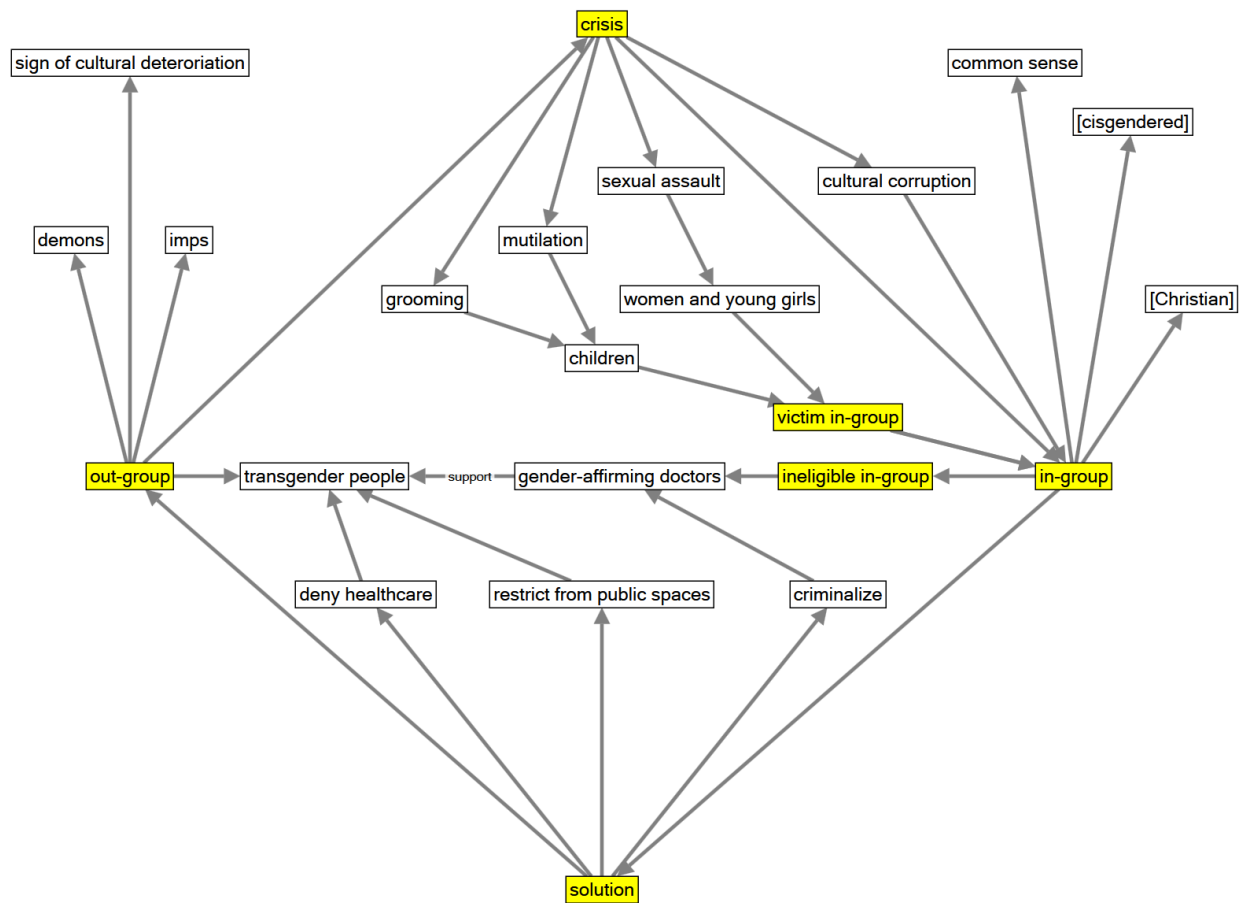


Figure 2: The extremist system of meaning articulated during the April 2024 Florida legislative sessions.

### 3.1. Out-group

Each of the three bills create burdens and sets legal limits on the rights of transgender people, but each is constructed so that this intention is not explicitly stated in the text. During the debate and in other commentary, the bills’ supporters claimed repeatedly but not consistently that transgender people were not being targeted. For example, as previously noted, in a committee prior to the full House session, Barnaby described witnesses who opposed the bathroom bill, as well as those who experience gender dysphoria generally, as “demons,” “mutants,” and “imps.”

During the “Thunderdome” sessions, supporters of the bills characterized transgender people primarily through two rhetorical tactics—implying that transgender people wish to sexually exploit children and denying that transgender identities exist at all.

### 3.1.1. "Sexualization of children"

Supporters of the bills strongly implied but did not come out and say that transgender people are pedophiles, a baseless allegation sometimes known as the "groomer" slur.<sup>56</sup> During debate over SB 1438 targeting drag performances, Fine described the bill as a response to genuine "outrage" over the "sexualization of children," and later referred to the set of three bills as an effort to protect "the idea of childhood itself." Representative Dean Black echoed these views, referring to the "rampant sexualization of our children."

During the "Thunderdome" legislative sessions, members did not spell out precisely what this meant, and none of the bill's supporters used the term "groomer" or "grooming" during the Thunderdome sessions. However, Fine's social media posts were more explicit, clarifying that both bills he sponsored were meant to fight "radical 'transgender' theory" which he claimed is "evil."<sup>57</sup> Just days before the hearings, in a post on X, formerly known as Twitter, Fine wrote, "[t]he perverts who wish to groom our children will stop at nothing to achieve their ends," with reference to a gay journalist who on the same day published a story about Fine's wife hosting an event that might run afoul of SB 1438's ban on "adult live performances."<sup>58</sup>

These implications set the stage for a crisis narrative based on a more sweeping claim that Floridian children are suffering from a "loss of innocence" caused by trans people, which is discussed further in sections 3.4.1 and 3.4.2. It also precipitated demands that children be "protected" from the out-group, as detailed in section 3.3.2.1.

### 3.1.2. Erasure of transgender identity

Transgender people occupied a constant space during the two days of hearings, but they were directly mentioned more often by the bills' critics than by its supporters. Supporters of the bills tried to avoid any quotable mention or characterization of trans people. When critics asked supporters how legislation would directly impact transgender people, they were repeatedly met with dodges and deflections, and sometimes with outright refusals to acknowledge the validity of transgender identities.

Masullo, one of the co-sponsors of the "Treatments for Sex Reassignment" bill, described gender dysphoria as a "psychological condition" and suggested that gender dysphoria was a severe mental illness that should be treated psychologically rather than with medical interventions. According to Masullo:

[People with gender dysphoria] almost always have co-morbidities. That could be autism. There could be depression, it could be anxiety, emotional issues. They could have problems at home or other

problems in their environment. And yes, they need therapy, but they need mental health counseling. They don't need us to screw up their sex. They don't need us to screw up their physiology.

During debate over the bathroom bill, Plakon repeatedly described women and girls as under threat of sexual assault in bathrooms by “biological males,” never using the term “transgender,” except to disclaim the term’s applicability. During the “Thunderdome” sessions, in response to a direct question about how the gender-affirming care bill would impact transgender adults, Fine stated “I reject the premise of your question,” which was his regular response to any question that assumed the existence of transgender people. He used the word transgender only once during the debate, referring to “so-called transgender” people, and claiming terms such as “gender-affirming care, cisgender, [and] nonbinary” were “made-up words” and “nonsense.” “If it means erasing a community because you have to target children, then damn right, we ought to do it,” Fine said on April 12, 2023, in defense of the “Protection of children” bill.<sup>59</sup>

Indeed, when reviewing these sessions and House members’ other statements on the legislation for evidence of animus against transgender people, a federal district court judge noted that the House members repeatedly denied the existence of transgender individuals, citing quotes including:

- “I can say I’m a porcupine, but that doesn’t make it so.”<sup>60</sup>
- “[W]e believe in science, and we believe in biology. And there are X chromosomes and there are Y chromosomes, and what you’re born . . . with is what science said you are. And so you don’t get to play ‘choose your own adventure’ and change it.”
- “[W]e cannot speak something into existence that doesn’t exist. We cannot change our sex.”<sup>61</sup>

The court found that House members “made clear that the sponsor’s purpose, at least in part, was to prevent individuals from pursuing their transgender identities.”<sup>62</sup>

### **3.2. In-group**

Extremist movements typically claim to represent an eligible in-group—an identity collective that they seek to represent or protect. An extremist in-group like al Qaeda claims to represent and protect an eligible in-group comprised of Sunni Muslims, while the Ku Klux Klan claims to represent and protect an eligible in-group of White Christian Americans. Fringe extremist movements such as these are usually plainspoken about the in-group on whose behalf they claim to act, a process of identity construction in which they attempt to justify the need for their existence by defining the eligible in-group in exclusionary terms that support unconditional hostility toward out-groups.



Extremist movements that sit closer to the center of society have less need to describe themselves, because they have less need to justify themselves. When an extremist movement can mount a credible (not necessarily true) claim to majority support from the eligible in-group, it assumes a mantle of authority and legitimacy, along with other benefits, including in some cases the ability to bend the law to their purposes. Dominant in-groups are usually perceived as the keepers of “default” values and norms, which are sometimes framed as conventional wisdom or “common sense,” an invisible standard against which all moral questions must be assessed.<sup>63</sup> For example, one representative described the in-group as having a long history of “universal common decency.”

In Florida, sponsors and supporters argued that the three bills were necessary to correct multiple crises afflicting their in-group. Broad descriptors like “Floridians” and “our society” were used to identify the in-group, likely to avoid alienating key constituencies and to avoid providing any fodder for allegations of prejudice or bigotry. Instead, the construction of the in-group identity in the “Thunderdome” sessions was rendered in what artists refer to as “negative space”—with the in-group’s contours extrapolated from the traits that exclude out-group members from in-group membership.

Thus, if the out-group is mentally ill, “crippled,” or “disfigured,” the in-group must be sane and healthy. If the out-group is “evil,” the in-group must be good. If the out-group are predators of the vulnerable, the in-group must be protectors of the vulnerable. On the rare occasions when in-group qualities were described, they were sometimes framed as the opposite of implied out-group qualities. For example, one representative stated that “in our society we believe in loving and protecting children,” implying that out-group proponents of gender-affirming care did not.

Finally, representatives implicitly defined the in-group as cisgender rather than transgendered. Bill sponsors and supporters’ statements emphasized their commitment to the idea that gender identity and sex assigned at birth are not mutable but rather are rigid categories that have been corrupted by recent cultural changes. In our society, Black claimed, “from time immemorial, there have been men and there have been women.” Other representatives stated that “we all” (referring to the in-group) learned from a young age that “boys use the boy’s room and girls use the girl’s room,” and “that there are boys, and there are girls.” Each of these statements is meant to suggest that, for the in-group, gender identity and sex assigned at birth are indistinguishable. By these stipulations, in-group members are clearly categorized as people who identify with the gender that they were assigned at birth.

### **3.2.1. Religiosity as an in-group marker**

Bill sponsors and supporters identified faith as a crucial value of the in-group, stating that “our power” as legislators “comes from God” must address the “evil in our society.” Though House members on both sides invoked faith to justify their viewpoint, the bills’ supporters claimed they were defending God’s will, with specific reference to the belief that people were made “in the image of God (who) created them male and female.” Fine, the primary sponsor of both the adult live performance and gender-affirming care bill, stated that his side was defending the idea that there “is right and wrong in this world, that values matter, that there is a God.” According to Masullo, the gender-affirming care bill’s other sponsor:

I believe everyone on this earth believes in God, even the atheist. They just believe that's who they are. We need to stop and think a little bit about what we can do to change our culture. And so I actually believe it's our duty. It's something that we need to address because there's evil in our society. And you've heard it.

Notably, God and religion were almost as likely to be invoked by critics of the bills as by proponents, pointing to a belief on both sides in religion as a unifying in-group trait. Rayner-Goolsby, for instance, argued that “God hates injustice, especially to the least of these transgender people.” Seeking to contest the in-group boundary, Rayner-Goolsby also addressed the trans community as “the Floridians that God has created.” The religious boundary of the eligible in-group was not challenged in any meaningful way during the debate, although members sparred over who best represented the values of the in-group religion (not explicated but clearly understood to be Christian).

### **3.2.2. Victim in-group: children and little girls**

Extremist ideologies almost always stipulate that an out-group threatens the in-group in some manner. While this threat may be global (see section 3.4), ideologists will sometimes specify that hostile action against an out-group is necessary to protect an especially vulnerable subset of the in-group.

The sponsors and supporters of all three bills spent much of their time arguing that the provisions were necessary to “protect the most vulnerable of our society.” This “victim in-group” consists of children and what House members termed “biological females,” with the most vulnerable being the overlap of these two groups, “little girls.”

Defenders of each bill claimed the provisions were necessary to protect young children from various harms. Children, supporters reiterated, were “impressionable,” “innocent,” “vulnerable,” “targeted,” and at constant risk of victimization by malevolent forces.

A supporter of the gender-affirming care ban alleged that “the Democratic Party in this country has made it very clear that they want our children to have these surgeries available to them and their hormone treatments available to them. And in some cases, they don't want the parents to ever know about it. I call that a war on our children.”

Plakon, the primary sponsor of the bathroom bill, emphasized her desire to protect all “biological females,” which she repeatedly claimed accounted for “91% of sexual assault victims.” Plakon presumably used the term biological female, rather than female, or woman, to exclude transgender women from the victim in-group she was defining, without explicitly acknowledging their existence.

At the intersection of these two victim groups are the most vulnerable according to this system of meaning: “little girls.” Legislators returned again and again to the plight of little girls in today's world. Plakon repetitively cited hypothetical incidents of “a biological male” who “wants to enter a little girl's changing facility.” She claimed in her closing to speak for many “little girls who were brutally sexually assaulted.” In defense of the adult live entertainment bill, a supporter cited an unspecified incident in which he “saw biological males traveling over an underage girl and placing his genitals upon her chest.”

Masullo claimed that the “deterioration of our culture” was responsible for “more incidences of suicide . . . in young girls, 11- to 13-years-old, than we have ever had in our history.”

When questioning a Democratic member about a proposed amendment to the gender-affirming care bill, Fine asked whether, under the amendment, a judge could “authorize a girl's healthy breasts to be cut off.” Fine's closing argument claimed that opponents of his gender-affirming care ban believed “that a 12-year-old should be used as a test subject in some kind of gruesome drug trial, and they believe that a 13-year-old should be able to have her breasts cut off.” Focusing on the dangers posed to little girls, one bill supporter claimed that gender-affirming care providers “cut off their breasts, they sever their genitalia, they throw them in the trash.” Notably, no unambiguous reference was made to the possibility of gender-affirming surgery performed on boys, nor did the bill's supporters cite any hypothetical threat posed to young boys by trans men using a men's restroom or changing facilities.

### **3.2.2.1. Victim in-groups and sexual menace**

Bill sponsors' and supporters' appeal to the protection of “little girls” is a well-used rhetorical tool, one that has been frequently employed by political groups seeking to demonize an enemy. These appeals add emotional impact to a speaker's argument, sometimes to such an extent that it can blind their audience to the inevitable outcome of their proposed policies. Media Studies scholar Alyvia Walters explains that:

[W]hen children are invoked in politics, it is often to manipulate a certain type of action or emotion, particularly empathy. In these cases, the particulars of the child in the politicized speech or image become unimportant: the idea of ‘a child,’ one who is an idealized victim, is the justification for a political response.<sup>64</sup>

Responses to a crisis that has resulted in children’s suffering, however extreme the measures may be, are more likely to be viewed as morally justified. Rather than acting with a complex understanding of the situation, child-centered emotional rhetoric encourages reactive engagement, and “can result in militant policy and violent outcomes.”<sup>65</sup> This tendency runs through the entire “Thunderdome of Hate” debate but was especially visible during discussion of the bathroom bill, during which bill supporters painted lurid pictures of “biological males” threatening women and children in public restrooms.

The language used during the debate parallels that used by defenders of segregated education during the civil rights era, who often focused on protecting young White women and girls from the sexualized menace they attributed to Black men.<sup>66</sup> For example, in 1955, a Mississippi judge, Tom Brady, described the victim in-group most threatened by the impending integration as “the nearest thing to an angelic being . . . is a well-bred, cultured Southern white woman or her blue-eyed, golden-haired little girl.” President Eisenhower defended southern segregationists, claiming “[t]hese are not bad people. All they are concerned about is to see that their sweet little girls are not required to sit in school alongside some big overgrown Negroes.”<sup>67</sup>

Women and children have also historically formed the backbone of extremist politics and mobilizing rhetoric, particularly in movements that include patriarchal elements.<sup>68</sup> Jihadists and White supremacists frequently employ rhetorical strategies that describe hypersexualized out-group males who are bent on victimizing and defiling in-group women and children.<sup>69</sup> The horrific nature of sexual violence paired with narratives about the role of men as protectors can be very effective at recruiting new adherents to an extremist ideology or mobilizing existing adherents. Jihadist recruitment during the wars in Afghanistan and Bosnia, for instance, were marked by vivid descriptions of the “screams” of “pure Muslim women.”<sup>70</sup> The White supremacist novel *The Turner Diaries* describes a dystopian future in which rape laws are repealed as discriminatory to women and condemned as racist because they “disproportionately” target Black people.<sup>71</sup>

The Thunderdome hearings painted a similarly hypersexualized picture of transgender people, situated within a wider extremist social context that relies heavily on hypersexualized caricatures of LGBTQIA+ people.<sup>72</sup> Among anti-LGBTQIA+ extremists, queer identities in general, and transgender identities in particular, are framed as “dangerous, deviant, and immoral; thus, a threat to children and the (re)productive future of the nation.”<sup>73</sup> The anti-trans bills’ sponsors sought to weaponize this preexisting

narrative, describing a threat to the “innocence” of children posed by the presence of transgender people, a threat of sexual violence from “biological males,” and a framing of gender-affirming healthcare as “sexual mutilation.” The widespread nature of the hypersexualization trope allowed the bills’ supporters to leave much unsaid, knowing that their audience would be able to connect their language with more overtly hate-filled rhetoric heard elsewhere in the public sphere.

### **3.2.3. Trans children**

Transgender children, whose identities bridge the victim in-group and the out-group, were rarely acknowledged during the debate. The bill’s sponsors claimed to be motivated primarily by a desire to protect children, but when questioned about the likelihood that the bathroom bill would harm trans children, Plakon indicated that she was unconcerned with this possibility. Other representatives declined to acknowledge any possibility that the bills would cause harm to trans children.

Rather, supporters argued that trans children do not exist per se, but suggested that in-group children had been manipulated by adults into believing they are trans. According to Fine:

Every so-called transgender person begged us for help in committees. Ralph and I have talked about it. They are not evil. They are victims. I don't hate them. My heart breaks for what has been done to them. I'm haunted by the stories of the children I have talked to who were told this was a good idea, and then have had their lives destroyed as a result.

While adult transgender people were framed as dangerous predators who target women and children in bathrooms, children who think they are transgender are described as victims of an ideology or mental illness that have pushed them into mutilation or “medical experiments.” The sanctity of the victim in-group is preserved by blaming gender dysphoria in children on malicious adults. People who advocate or provide affirming treatments for gender dysphoria are “truly the wolf in sheep's clothing and [are] going after our most vulnerable population, our children, and we need to recognize it.”

### **3.2.4. Ineligible in-group: Doctors who provide gender-affirming care**

Extremist ideologies often identify a subdivision of the eligible in-group whose members are at risk of being expelled from the in-group and joining an out-group. For example, ISIS ideologists spend a significant amount of time arguing about who should be considered a Muslim and who should not. The “ineligible in-group” is comprised of people

who meet the *prima facie* requirements of eligible in-group membership but are considered at risk of being assigned to an out-group, typically for opposing the values of an extremist in-group. Members of ineligible in-groups are often subjected to the same hostile action reserved for out-group. Sometimes the consequences of ineligibility are even higher than the consequences of out-group membership.

Supporters of the three anti-trans bills reserved some of their harshest rhetoric and legal penalties for people who are not trans themselves but who advocate for trans people or provide gender-affirming treatments—the aforementioned “wolf in sheep’s clothing.” Among the three bills, the harshest legal punishments are reserved for doctors who provide gender-affirming care to minors—with willful violations of the gender-affirming care ban carrying a sentence of up to 5 years in prison.

In articulating the “evil in this world” that they hope to counter, bill sponsors and supporters allege that a group of “unscrupulous doctors” are responsible for prescribing gender-affirming care and perform gender-affirming surgeries on children and other mentally vulnerable people. Such doctors, who are not specified to be trans themselves, fall within the cisgender in-group, but their support for trans people makes them subject to hostile action. Referring to doctors who prescribe gender-affirming care as “bloodsuckers,” legislators allege that they needed to “protect our children” from such professionals, who they claim are “not guided by conscience, but by the fact that these surgeries pay a lot of money.”

House members suggested that this ineligible in-group does not “believe in the innocence of childhood.” Fine claimed that these doctors provide gender-affirming care to children because “we” have failed “to give [children] the ultimate gender-affirming care, to affirm they are creatures of God, made in his image, that they were made the way they are, and there’s absolutely nothing wrong with it. God doesn’t make mistakes.” By suggesting that doctors who provide gender-affirming care interfere with God’s perfect design, Fine suggests these are not merely unscrupulous, but sacrilegious and evil, and that the provision of gender-affirming care is an unholy act, with surgery especially described as “gruesome” and “diabolical.” Under this framing, transgender children retain their victim in-group status, but rather than being harmed by anti-trans legislators they are said to be harmed by evil doctors who tell children that gender-affirming treatments are “a good idea” and then “destroy” their lives.

### **3.3. Crisis**

Throughout the two-day session bill sponsors and supporters framed several crises posed by these out-groups against the in-groups. Each bill addressed specific elements of the

crisis narratives, but supporters often blended the narratives together, suggesting that they individually and collectively amounted to manifestations of “evil” in society.

“There is evil in this world,” supporters of the bills repeated nine times in two days of testimony, sometimes adding that “we” can “face it,” “fight it” or “stand against it.” Specific examples of the encroaching “evil” described by the bills’ supporters include:

- Physical assaults on women and children
- “Sexualization” or “grooming” of children, tied to a broader “loss of innocence”
- “Mutilation” of children and adults, referring to gender-affirming surgery  
Deterioration of “our culture”

Each of the first three crises is each paired with a bill that purports to solve it.

- Bathroom restrictions based on sex assigned at birth are framed as solving a crisis of physical assaults of women and girls in bathrooms.
- The ban on children attending “adult live performances” is framed as protecting them from sexualization and grooming.
- Restrictions on gender-affirming care are framed as protecting the recipients of such care from “mutilation.”

The final crisis is more generalized. To some extent, it is addressed by the solutions to the first three crises, but it also demands a broader response. The bills together are situated as just one part of a larger systemic solution that is required to respond to a more universalized crisis.

### **3.3.1. Loss of Innocence**

A major theme expressed by bills’ sponsors and supporters was the premature loss of innocence by children. This narrative was first introduced in relation to the adult live performances bill, when one supporter of the bill suggested that such performances were “stealing the innocence of our children.” Another called on his fellow members to “let kids be kids” and “protect them from losing their innocence.”

But other members also drew on the theme of lost innocence outside the context of the adult live performances bill. In Fine’s closing speech supporting the gender-affirming care ban, he broadened his argument from the particulars of the bill under discussion, claiming that all three bills are “about whether we . . . believe in the idea of childhood itself.” Continuing, Fine went on to argue that opponents of the bills believed that, among other things:

An eight-year-old should have to keep track of 70 different pronouns that their teachers might choose. ... They believe that an 11-year-old

should be able to go to a sexual performance of a man dressed like a woman. They believe that a 12-year-old should be used as a test subject in some kind of gruesome drug trial, and they believe that a 13-year-old should be able to have her breasts cut off.

These examples, Fine claimed, showed that opponents of these bills “do not believe in the innocence of childhood.” The Florida Legislature, he argued, had a chance to oppose this evil and “fight to return childhood to the era of innocence, where children knew the basics, what bathroom to use, what their pronouns were.”

Returning to a state of innocence, according to Fine, involves children knowing “that there are boys, and that there are girls, and they don’t have to wonder about it.” Fine’s closing speech seeks to make the case that children can lose their innocence simply by becoming aware that trans or gender non-conforming people exist.

### **3.3.2. Deterioration of culture**

Even broader than the damage to childhood and loss of innocence, some bill sponsors and supporters lamented a general deterioration in “our culture” that they seek to reverse and repair through the proposed legislation, among other measures. While defending her bathroom bill, Plakon argues that the bill “simply codifies what has been a part of our culture since 1887,<sup>74</sup> what we all learned in kindergarten that boys use the boys’ room, and girls use the girls room.” Departing from this, Plakon implies, signals a departure from Florida’s longstanding cultural heritage.

Other sponsors view the problem as broader, requiring a bigger picture lens. Fine alleges that gender dysphoria has increased by “5,000 percent” over the last 30 years, lamenting that this rate of increase is “exponential.” He states that if “we don’t step in and turn our society and address our culture,” it could become unrecognizable. Fine goes on to suggest that only the Republican members recognize that the general “deterioration of our culture,” that is bigger than the subjects of the bills under consideration. This deterioration “has to do with our society,” where, despite having “every convenience imaginable,” we have “more dysphoria than we have ever had in history.” Fine asserts:

[W]e have to stop, because otherwise we’re like that frog in the water that believes that there’s no problem . . . as the water slowly heats, we’re going to boil, and we try to normalize it by creating all kinds of names and words and medical conditions, and then we try to excuse the behavior that we feel is wrong by saying, oh, it’s just freedom.

Here, the problem Fine identifies is not simply that children are receiving gender-affirming care without sufficient consultation, but rather that gender dysphoria is



acknowledged as a valid concept. Rather than focusing on the narrow issue the bill seeks to address, Fine instead suggests “our culture” is deteriorating because people believe their gender identity doesn’t match their biological sex, or put more plainly, because transgender people exist.

Throughout the two-day session, House members sought to paint a broader picture of the crisis than the plain text of their bills suggests. Fine’s closing speech on the gender-affirming care ban, the last bill to be heard in the session, makes a case that these bills together are more than the sum of the parts, that they amount to a stand against a broader crisis:

You see, these bills we’ve heard this week and this session, they’re not about bathrooms. They’re not about books. They’re not about pride parades. They’re not about pronouns. They’re not about blocking puberty. They are not about cutting off body parts. These bills are about something much larger. These bills are about whether we as a legislature, as a state and as a society believe in the idea of childhood itself.

It was not a coincidence, Fine explains, that these bills were heard in close succession. Throughout the session, arguments for one bill would drift into arguments for the other, with legislators not always bothering to separate them out. Fine’s speech clarifies that this was intentional; the bills were meant to be heard together, meant to frame a broader cultural issue, and inspire a creeping sense of fear. Using the bills collectively, the legislators could make a case for a culture-wide crisis, justifying harsher solutions.

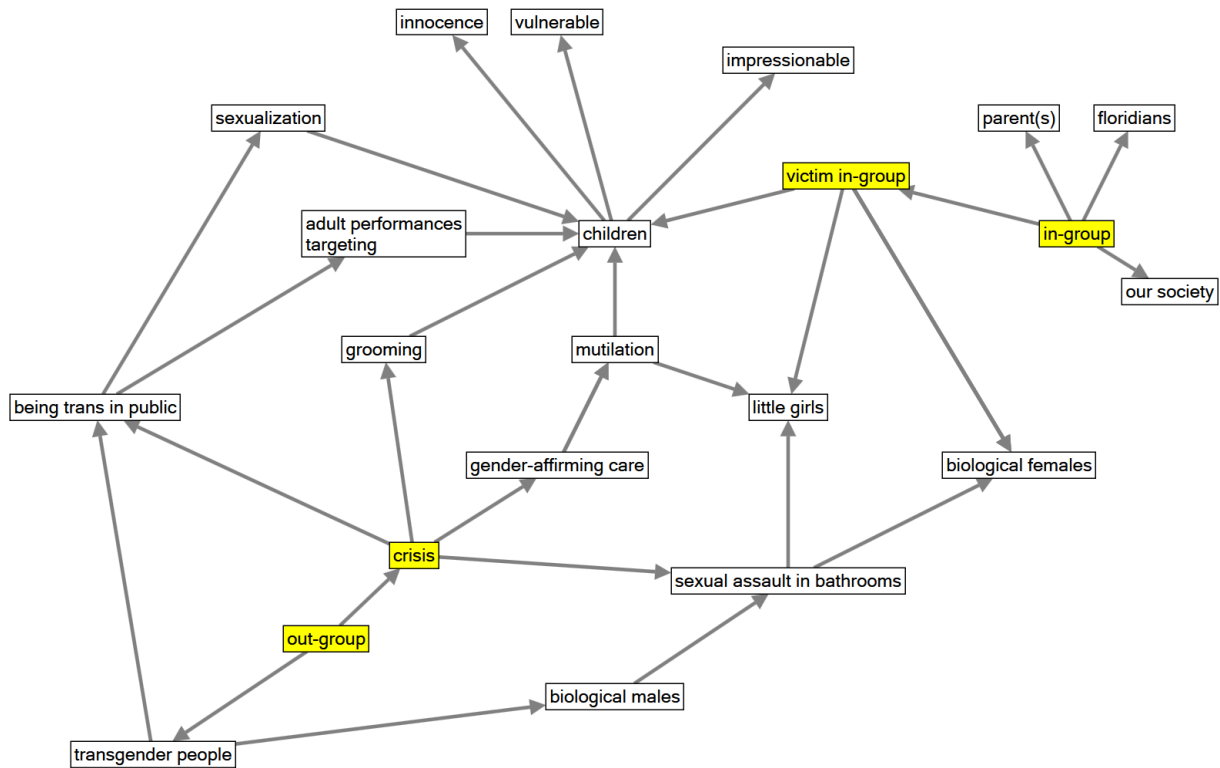


Figure 3: The crisis described by supporters of anti-trans bills during the “Thunderdome of Hate” hearings.

### 3.4. Solution

In this system of meaning, the health and safety of the eligible in-group is threatened by a malign out-group that erodes the in-group’s values and targets women and children for sexual and physical abuse. Legislators proposed to solve this crisis by passing a series of measures that they claimed were meant to protect from harm the most vulnerable people within the in-group.

In practice, the main effect of the bills is to burden the lives of trans people and the broader LGBTQIA+ community. Though the House sessions largely elided the impact of the bills on the lives of transgender people, the burdening effects are a central part of the solution proposed by House members to the crises described above.

### **3.4.1. Safety in Private Spaces bill**

Plakon's Safety in Private Spaces Act establishes criminal penalties for individuals who use a public restroom or changing facility that does not correspond with their sex assigned at birth and who refuse to leave if asked. A transgender person would thus risk prosecution for misdemeanor trespass, a jailable offense, when they use bathrooms in covered building types, including all publicly owned buildings, facilities that receive public licenses, and nearly all educational institutions and prisons.

While the bill is framed as protecting women and children from dangerous predators, specifically, "biological males" who might pose a threat to them in "private spaces," the result of the legislation is that no trans person may use a public restroom or changing facility (in the specified building types) that corresponds to their gender identity. The bills force transgender people to choose between risk of criminal prosecution and using a bathroom that does not reflect their gender identity. Such decisions are not taken lightly. Transgender people experience very high rates of verbal, physical and sexual assault in public facilities, and they are at higher risk of sexual assault when using restrooms that do not correspond to their gender identity.<sup>75</sup>

The bathroom bill remains in place while it is challenged in court. Since its enactment, transgender, nonbinary, and cisgender Florida residents have reported being approached and harassed by other occupants while attempting to use the bathroom.<sup>76</sup> Some Floridians have chosen to change their behavior, altering their appearance when leaving home, avoiding public restrooms altogether, even purposely dehydrating themselves for that purpose.<sup>77</sup> Though the bill only applies to specified government or government-funded entities, it establishes a precedent that it is inappropriate or criminal for trans people to use the restroom that corresponds with their gender identity, and has further enabled and emboldened private individuals to act as vigilantes, policing transgender individuals' use of bathrooms in private businesses, outside the scope of the legislation.<sup>78</sup>

### **3.4.2. Protection of Children bill**

The Protection of Children bill regulating "adult live performances" establishes a misdemeanor offense for entities that admit children to performances that the bill defines as obscene. This includes performances that involve "the lewd exposure of prosthetic or imitation genitals or breasts," which appeal to "prurient" or "shameful" interests, are "offensive to the prevailing standards in the adult community," and lack artistic value.

Despite Fine's hedging on the issue during the hearings, House members' statements during the session make clear that they believe many or all drag shows fall under this definition and therefore should be subject to criminal penalties if they admit children. In

March of 2023, Fine was interviewed about the bill and admitted that “the focus of our bill is on drag shows.”<sup>79</sup>

The bill has had a substantial chilling effect on drag performers and venues that would typically host them. Immediately after the law’s passage, Florida’s Pride Alliance canceled its yearly Pride parade, and restricted all other Pride events to people 21 years or older.<sup>80</sup>

Before a court blocked enforcement of the law, the DeSantis administration attempted to pull liquor licenses from a Miami business that it alleged hosted “lewd” Christmas drag show with children present.<sup>81</sup> Though the bill has been blocked pending litigation, numerous LGBTQIA+-friendly restaurants and bars that host drag events have closed or relocated following its enactment.<sup>82</sup>

Hamburger Mary’s, which sued to prevent enforcement of the act, closed its Orlando location, citing a 20 percent drop in business.<sup>83</sup> Other drag shows are now hosted with the addition of security measures. Since late 2022 when the bill was proposed, Florida drag performers have anecdotally reported increased hostility to their performances. Demonstrators have targeted venues, while performers have received death threats.<sup>84</sup> For example, one family-friendly performance was protested by opponents waving Nazi flags and projecting an image on the side of the performance venue reading “Make Pedophilia Punishable by Death.”<sup>85</sup>

The state has appealed the injunction on the law’s enforcement, and on October 11, 2024, the Eleventh Circuit Federal Court of Appeals upheld the injunction.<sup>86</sup>

### **3.4.3. Treatments for Sex Reassignment bill**

The gender-affirming care bill prohibits minors from receiving gender-affirming care and penalizes parents in custody disputes who assist their children in receiving such care, exposing them to criminal prosecution for child abuse.

The bill also heavily limits adults’ ability to receive gender-affirming care, by regulating which providers may prescribe it, restricting the use of telehealth, and prohibiting state insurance providers from covering such care.

Inability to access gender-affirming care is associated with increases in anxiety, feelings of gender dysphoria, and suicidal ideations, along with a higher risk of suicide.<sup>87</sup> Healthcare providers who work with trans youth “overwhelmingly believed that legislation banning gender-affirming care for [trans and gender-diverse youth] would lead to increased mental health problems among [trans and gender-diverse youth], particularly suicide.”<sup>88</sup>

Though the majority of the debate around the bill focuses on protection of children from “dangerous” medical procedures, the bill severely restricts the availability of gender-affirming care for anyone. Under the bill, trans children have no access to gender-affirming care outside of limited exceptions for some children who were undergoing treatment at the time of enactment. Though transgender adults may legally receive care, they find their options for doing so severely foreclosed by the new restrictions.

Though a district court temporarily halted enforcement of the ban in June 2024, the Eleventh Circuit lifted the injunction in August, ending access to gender-affirming care for almost all trans children in Florida. Adult patients were also dramatically impacted by the removal of state insurance coverage, as well as the restriction on nurse practitioners and physicians’ assistants and the prohibition of telehealth.<sup>89</sup>

Some providers continue to provide consultation to trans children but cannot prescribe any treatments.<sup>90</sup> Other providers who continue to see adults have been impacted by the law’s strict provider restrictions. One clinic that relies on a nurse practitioner model of care will no longer treat trans patients because it cannot financially conform to the physician-only treatment requirements.<sup>91</sup> Another clinic chain was forced to close locations due to the strain imposed by both the ban on care for children and the increased regulation on care for adults.<sup>92</sup> The bill has meaningfully rendered gender-affirming care inaccessible for many Floridians.<sup>93</sup>

#### **3.4.4. Preventing affirmation of transgender identity**

Under SB 254, prohibited “[s]ex-reassignment prescriptions and procedures” are defined to include puberty blockers, hormone therapy, and gender-affirming surgeries, but only if administered “in order to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex.”<sup>94</sup> Bill sponsors and supporters do not contest that hormone therapy and puberty blockers are regularly used to treat precocious puberty in cisgender children and do not say that such uses are covered by the bill. Nor are the prescriptions and procedures prohibited by the statute when used to affirm a child’s gender that is consistent with their sex assigned at birth (a use case that is more common than for transgender patients).<sup>95</sup>

Rather, the statute prohibits medical care only when it affirms a child’s perception that they are transgender. This specificity reveals that the crisis does not pertain to medical risks, despite claims by the bill’s advocates. The bill is not centered on the idea that the prescriptions and procedures *per se* are dangerous for children or adults. Rather, the solution to the framed crisis is only triggered when medical care is used for the purpose of affirming a trans person’s perception of their gender identity. Since the bill does not

regulate the procedures in any other context, its clear goal and real-world effect is the suppression or elimination of transgender identities.

### **3.4.5. Imposing legal restrictions on transgender adults**

Throughout the sessions, Florida House members insisted that they advocate only to restrict actions that might harm children, claiming they did not seek to restrict consenting adults from accessing medical procedures they saw fit to pursue. Nor did they claim to have any interest in restricting the type of entertainment adults might enjoy. In defense of the adult live performance bill, one supporter claimed, “[i]t’s not to stop adults from doing what adults decide to do. This is about protecting our children.” Similarly, in support of the gender-affirming care ban, Fine claimed:

[I]f you as an adult want to make this life altering major decision, have at it. I support that right to do that as a matter of fact, even my disagreement on this issue would never lead me to think less of anybody that made that choice for themselves, nor would it ever lead me to support legislation that would revoke that right for you to do that. Now, as one of our colleagues said, though yesterday, this is not about you, this is about children.

Despite these denials, the gender-affirming care bill severely restricts adults’ ability to receive such care, leveraging rhetoric about risks for children to impose serious legal and medical burdens on transgender adults. While not an outright ban on gender-affirming care for adults, as discussed above, the restrictions have dramatically limited access to gender-affirming care in Florida.

Masullo explains that “we do not want to use taxpayer funds to pay for procedures that evidence shows are damaging to individuals, both physiologically and psychologically.” Fine justifies these restrictions as follows: “something as serious as [gender-affirming care], that people should have to go and talk to a doctor to their face [sic].”

The bill additionally imposes specific consent requirements for adults, which a federal court found resulted in “biased” and “misleading” forms that were “more likely to undermine than to contribute to a proper informed-consent process.”<sup>96</sup> The court went further, concluding that the informed consent requirements “are plainly intended to dissuade [adult] patients from obtaining gender-affirming care.”<sup>97</sup>

### **3.4.6. Legal restriction as hostile action against an out-group**

While extremism is often, understandably, associated with violence, this paper defines it as the belief that “hostile action” must be taken against an out-group in order to ensure

the success and security of the in-group. Hostile actions may be violent or non-violent and may rely on similar and sometimes identical ideological justifications. Extremist movements can adopt violent and non-violent tactics based on a variety of practical considerations, without compromising their essential beliefs. For example, a campaign of online antisemitic harassment is clearly relevant to our understanding of antisemitic violence offline. In the realm of lawful extremism, hostile action often takes the form of discrimination and oppression, which can be understood as limiting or denying out-groups access to public spaces and human rights that are unburdened for in-groups.

In the case of the three anti-trans bills considered in this paper, supporters proposed and succeeded in implementing a range of hostile actions against transgender people, some direct and some indirect, all framed as protection of the in-group. The authors of these measures argue that they are not motivated by hate because they stop short of directly and unambiguously criminalizing transgender identities, but legal restrictions that selectively target people because of their identity are still hostile actions that qualify as extremism. The bills create friction in the lives of transgender people by imposing administrative burdens and legal restrictions that do not apply to cisgender people.

While this element plays out in each bill, it is most clearly visible in SB 254, Treatments for Sex Reassignment, which permits treatments for cisgender children but bans the same treatments for transgender children, while burdening transgender adults with administrative restrictions on access to healthcare that do not apply to cisgender adults. The bill also exposes people who provide or support the provision of healthcare to transgender children to criminal prosecution.

The other two bills are carefully crafted for maximal impact on transgender people, without explicitly naming them as targets, a tactic that the bill's sponsors argue insulates them against charges of anti-transgender hate. In her closing comments on the bathroom bill she sponsored, Plakon telegraphed this. "A lot has been said about this bill over the last few days," she said. "And I'll be clear again, this bill never mentions transgender or any other particular group of people." Fine equivocates even more clearly about SB 1438, saying during the hearings that "[i]f I wanted a bill to ban drag shows, I could have run that bill" but admitting in an interview that "the focus of our bill is on drag shows."<sup>98</sup>

Due in part to the verbal gymnastics required to avoid the word "transgender," the latter two bills also create some "collateral damage." For example, the bathroom bill puts intersex people and people with an androgynous appearance at risk for arrest and detention or denial of access to public restrooms, although they would not technically be at risk of prosecution and imprisonment, according to the bill's sponsors. Here, it is useful to consider whether this is best understood as an undesired side effect of the legislation or as part and parcel of a program to police gender boundaries more broadly and scrupulously.

### 3.4.7. Rejection of evil and false ideas

The bills' sponsors and supporters emphasize that in addition to protecting the victim in-group from specific types of harm, these bills serve as a rejection of the "evil" concepts and culture that have insidiously entered our society. Representatives Black, Fine, and Masullo repeatedly assert that "there is evil in this world." Black described an outlandish, violent caricature of gender-affirming care, and said "this is evil, what I just described is gruesome and diabolical." Masullo claimed that this "evil is so insidious that we fail to recognize it. It is truly a wolf in sheep's clothing." Fine, whom the other members often quoted, offered legislators a response to the evil he described:

[T]here is evil in this world and we can fight it here today. We can reject their made-up words of gender-affirming care, cisgender, nonbinary and whatever nonsense they come up with next. We lean in because we are right, we can fight for children. We can declare in unambiguous terms that defying the natural process of puberty is not healthcare, it's an abomination.

Part of rejecting these evil ideas, the bill sponsors and supporters allege, involves the prioritization of "truth." The truth, according to the House members is that:

[I]n the image of God, he created male and female. This is rock solid, irreversible truth validated by science and our medical community. And you see, there are two realities here. One is the truth that you are either male or female. This is not subject to one's opinion and is demonstrable fact.

In support of a provision that would have restricted transgender people from changing the sex listed on their official documents, a supporter claimed, "our legal documents should reflect truth as best as possible . . . that identification should reflect exactly who we are from birth, and there are only two sexes that are recognized, male and female." Under this system of meaning, denunciation of the idea that sex assigned at birth might differ from gender identity is merely the rejection of falsity and embrace of truth.

In claiming to reject falsity and evil, bill sponsors and supporters frame themselves as beginning a process of cultural restoration. Fine indicated this in committee when he said he supported "erasing a community" if it violated the adult live performances bill.<sup>99</sup> Barnaby's framing was even starker, calling on God to "rebuke" the "demons and imps" that "paraded" before him. "It's time to push back," he claimed, against this evil's presence in our society.



## 4. Conclusion

Extremism is the belief that an in-group can never be secure or successful unless it is engaged in hostile action against an out-group. Hostile action comes in many forms, and it does not always declare itself—whether hiding behind the framing of slavery as a “positive good” or the framing of segregation as “separate but equal.”<sup>100</sup>

During the “Thunderdome of Hate” debate, supporters of anti-trans legislation took pains to avoid *overtly* characterizing their intent as hostile, but their words inside and outside the chamber made clear that they viewed transgender people and those who support them as “evil” and that the bills would contribute to the erasure of trans identities, an outcome they welcomed. They attempted to support their position by describing a crisis in the style of a moral panic in which transgender people and their allies (“biological males” and “unscrupulous doctors”) are accused of sexually menacing and “stealing the innocence” of a victim class comprised of in-group women and children.

Following the passage of these bills and the Florida legislature’s continued targeting of transgender people and other LGBTQIA+ people, many have chosen to leave Florida, moving to states in which they can receive healthcare and hopefully avoid further attacks.<sup>101</sup> Christina Pushaw, former Press Secretary and presidential campaign director for Ron DeSantis, expressed happiness with this result.<sup>102</sup> Insofar as these “side effects” were anticipated, perhaps even intended, they can be understood as part and parcel of the hostile action, the solution articulated within this system of meaning.

As researcher and journalist Erin Reed explains regarding the bathroom bill:

The restrictions on bathrooms have been used for a very long time to target disenfranchised people . . . . The ability to use the bathroom in public is what makes it possible to travel. It’s what makes it possible to leave your home. It’s what makes it possible to attend events. If you start to restrict the ability to use the bathroom, it’s a very easy way to make a population disappear or push them into a place where they cannot be seen or where they can’t leave their homes.<sup>103</sup>

Though all extremist movements seek to harm members of their chosen out-group, lawful extremist movements are uniquely situated to accomplish this on a broad scale by virtue of legislative, judicial and/or executive authority. Hostile actions that take the form of administrative burdens or legal restrictions, rather than explicit criminalization of an entire identity group, are more politically palatable and allow their intent to be obfuscated more easily. Efforts to obfuscate extremist intent are often a feature of dominant lawful extremism movements.

Despite the obfuscation, these measures work by design to deny transgender people their civil rights and the benefits of full and free participation in civil society. Though the United States has some guardrails meant to prevent this type of systematic discrimination, they may be insufficient to prevent the implementation of this lawful extremist program.

In December of 2024, the Supreme Court will hear oral arguments in *U.S. v. Skrametti*, a case challenging bans on gender-affirming care for minors in Tennessee and Kentucky. This case will likely determine the validity of related bans in twenty-four other states, including Florida's. The ruling may also impact whether state legislatures can restrict or prohibit gender-affirming care for adults—an outcome that could follow if, for example, the Court determines that transgender people as a class are not protected by antidiscrimination laws. Such a ruling would overturn the Supreme Court precedent established in *Bostock v. Clayton County*, which found that discrimination on the basis of transgender status constituted unlawful sex discrimination.<sup>104</sup> The Court has historically professed a distaste for overturning its own precedent, but the current justices have shown they are willing to do so.<sup>105</sup> The *Bostock* opinion was written by Justice Gorsuch for a ruling with a six-justice majority. Two of those justices are no longer on the Court.

Currently, 36 *amici curiae* or “friend of the court” advisory briefs have been submitted to the Court. The American Medical Association and the American Psychological Association have submitted briefs outlining the importance of gender-affirming care for their patients, with the AMA concluding that “[i]n light of this evidence supporting the connection between lack of access to gender-affirming medical care and lifetime suicide risk, banning such care can put patients’ lives at risk.”<sup>106</sup>

State representatives from 23 state legislatures that have passed restrictions on gender-affirming care, including Florida, also submitted an *amicus curie* brief in support of Tennessee’s ban.<sup>107</sup> The brief characterizes gender-affirming care for minors as a form of “self-harm for mentally disturbed children,” and claims state legislatures have a vital interest in protecting children “from engaging in medically assisted self-harm.”<sup>108</sup> The brief claims that the children, families, and medical providers suing Tennessee and Kentucky “are functionally asking the Court to recognize a bizarre, ahistorical fundamental right to chemically alter children’s natural biological sex.”

If gender-affirming care bans were recognized as unlawful discrimination, the brief claims, a crisis would ensue that would lead to the proliferation of “bizarre identities” and open “the door to a multitude of new suspect . . . classes and could privilege a vast range of historically prohibited conduct. If the Court opens this Pandora’s box, the federal courts will be very busy indeed.” In short, the brief urges the Supreme Court to label “gender dysphoric” and “transgendered persons” as a mentally “disturbed” or “distressed” out-group that is not entitled to constitutional protection.

The two previous “Lawful Extremism” papers examined historical cases to explain the role that extremism plays in the halls of government, situating it as a phenomenon that is not confined to criminal or clandestine movements. But lawful extremism is not a phenomenon that can only be diagnosed in retrospect. The boundaries of the definition, and the elements of the system of meaning, are clearly visible in real time, despite efforts to obfuscate them.

What the perspective of history does provide is an insight into future regret. When seen from a distance, efforts to harm people based on their intrinsic identity are almost always understood to be both mistaken and morally wrong. Genocide against indigenous peoples, racial slavery, Chinese exclusion, Jim Crow, bans on interracial marriage, Japanese internment, bans on gay marriage, all of these and more are rightly condemned by most people today, remembered most clearly as cautionary tales. But all of them were also met with impassioned opposition in their day.

This paper seeks to assess a case study of anti-trans legislation against an empirically defensible definition of extremism. This contrasts with other definitions that describe extremism primarily as a phenomenon that sits on the outskirts of society, applied exclusively to movements that are small, unpopular and/or disempowered. The definition used in this paper centers the imperative to cause harm based on a person’s intrinsic identity—an imperative whose destructive potential is exponentially magnified when tied to the color of authority. The link between harm and identity also imbues extremism with an inescapable moral dimension. Unlike a relative definition, which creates a moral equivalency between, for example, abolitionists and slaveholders,<sup>109</sup> extremism is understood here to be definitionally linked to bigotry and injustice.

The Florida measures meet the definition of extremism, since—as their sponsors and supporters acknowledge—they demand hostile actions against an out-group of people with a transgender identity, actions that are unambiguously intended to harm and even “erase” the out-group directly and to harm in-group members who provide support to the out-group. These measures, and their counterparts in other states, are likely to be remembered by history in the same breath as Jim Crow and other stains on the American principle that all people are entitled to life, liberty and the pursuit of happiness.

## Notes

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<sup>1</sup> MAP: Attacks on Gender Affirming care by state. (2024b, September 27). HRC.

<https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.

<sup>2</sup> Berger, J.M. (2023). Lawful Extremism: Extremist ideology and the Dred Scott decision. Center on Terrorism, Extremism and Counterterrorism, Middlebury Institute of International Studies.

Occasional paper. <https://doi.org/10.57968/Middlebury.24514522.v1>; Daviess, B. & Berger, J.M.

(2024) Lawful Extremism: The Chinese Exclusion Act. Center on Terrorism, Extremism and Counterterrorism, Middlebury Institute of International Studies. Occasional paper.

<https://www.middlebury.edu/institute/academics/centers-initiatives/ctec/ctec-publications/lawful-extremism-chinese-exclusion-act>.

<sup>3</sup> With permission, this text is reproduced verbatim from: Berger, J.M. (2023). Lawful Extremism: Extremist ideology and the Dred Scott decision, op. cit.

<sup>4</sup> Recordings of all House sessions are available here:

<https://www.myfloridahouse.gov/SessionVideos>. Recordings of House sessions on April 18 and 19,

2023, are available here: <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8857>;

<https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8866>.

<sup>5</sup> Committee hearings are available here:

<https://www.myfloridahouse.gov/Sections/Committees/committees.aspx>.

<sup>6</sup> Berger, J.M. (2023). Lawful Extremism: Extremist ideology and the Dred Scott decision, op. cit.

<sup>7</sup> Ibid.

<sup>8</sup> Rector, K. (2024, June 6). Poll: Americans support LGBTQ+ people but split on some trans issues - Los Angeles Times. Los Angeles Times. <https://www.latimes.com/california/story/2024-06-06/lgbtq-trans-people-american-support-poll>.

<sup>9</sup> Brown, A. (2024, April 14). About 5% of young adults in the U.S. say their gender is different from their sex assigned at birth. Pew Research Center. <https://www.pewresearch.org/short-reads/2022/06/07/about-5-of-young-adults-in-the-u-s-say-their-gender-is-different-from-their-sex-assigned-at-birth/>, finding that while the number of adults who say they know a transgender person is rising, a majority (56%) of Americans do not, including 65% of Republicans.

<sup>10</sup> Parker, K., Horowitz, J.M., & Brown, A. (2024, April 14). Americans' complex views on gender identity and transgender issues. Pew Research Center. <https://www.pewresearch.org/social-trends/2022/06/28/americans-complex-views-on-gender-identity-and-transgender-issues/>, finding that 60% of Americans say a person's gender is determined by their sex assigned at birth (a percentage that has increased since 2017), 38% of Americans say society has gone too far in accepting transgender people, including 66% of Republicans.

<sup>11</sup> Park, B. C., Das, R. K., & Drolet, B. C. (2021). Increasing Criminalization of Gender-Affirming Care for Transgender Youths—A politically motivated crisis. *JAMA Pediatrics*, 175(12), 1205.

<https://doi.org/10.1001/jamapediatrics.2021.2969>.

<sup>12</sup> AP Exclusive: "Bathroom bill" to cost North Carolina \$3.76B | AP News. (2017, March 30). AP News.

<https://apnews.com/article/e6c7a15d2e16452c8dcbc2756fd67b44#:~:text=The%20AP%20analysis%20putting%20the,ago%2C%20could%20cost%20the%20state>.

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<sup>13</sup> Allen, S. (2024, September 27). Why Red States are rejecting Anti-Trans bathroom bills. *The Daily Beast*. <https://www.thedailybeast.com/why-red-states-are-rejecting-anti-trans-bathroom-bills/>.

<sup>14</sup> Lang, N. (2024, July 22). A notorious type of legislation is back with a vengeance. *Slate Magazine*. <https://slate.com/life/2024/07/bathroom-bills-anti-trans-legislation-comeback.html>.

<sup>15</sup> Ibid.

<sup>16</sup> Gender dysphoria - Symptoms and causes. (2024, May 14). Mayo Clinic. <https://www.mayoclinic.org/diseases-conditions/gender-dysphoria/symptoms-causes/syc-20475255#:~:text=Gender%20dysphoria%20is%20the%20feeling,some%20point%20in%20their%20lives.>

<sup>17</sup> Gender-Affirming Care and Young People. (n.d.). HHS Office of Population Affairs. <https://opa.hhs.gov/sites/default/files/2023-08/gender-affirming-care-young-people.pdf>.

<sup>18</sup> Respaut, R., & Terhune, C. (2022, Oct. 6). Putting numbers on the rise in children seeking gender care. *Reuters*. <https://www.reuters.com/investigates/special-report/usa-transyouth-data/>; finding that in 2021, out of the approximately 42,167 transgender youth over 13 diagnosed with gender dysphoria in the US, a total of 1,390 (3.3%) received puberty blockers, 4,231 (10.0%) received hormone therapy, 282 (0.6%) underwent mastectomy, and 56 (0.1%) underwent genital surgeries.

<sup>19</sup> Fox News has aired 86 segments about trans people since President Biden took office. (2021, March 22). *Media Matters for America*. <https://www.mediamatters.org/fox-news/fox-news-has-aired-86-segments-about-trans-people-president-biden-took-office>; Soh, D. (2016, Jan. 4). The Transgender Battle Line: Childhood. *The Wallstreet Journal*. <https://www.wsj.com/articles/the-transgender-battle-line-childhood-1451952794>; Peyser, A. (2015, June 15). Push for kids to choose gender identities too early could backfire. *New York Post*. <https://nypost.com/2015/06/14/push-for-kids-to-choose-gender-identities-too-early-could-backfire/>.

<sup>20</sup> Ogles, J. (2023, May 31). "Thunderdome of Hate": Florida House debates slew of Anti-LGBTQ+ bills. *Advocate.com*. <https://www.advocate.com/politics/florida-house-anti-lgbtq-bills>.

<sup>21</sup> House Bill 1521 (2023) - The Florida Senate. (n.d.). <https://www.flsenate.gov/Session/Bill/2023/1521/>.

<sup>22</sup> Gordon, M., Price, M., & Peralta, K. (2017, Mar. 30). Understanding HB2: North Carolina's newest law solidifies state's role in defining discrimination. *The Charlotte Observer*. <https://www.charlotteobserver.com/news/politics-government/article68401147.html>.

<sup>23</sup> Under HB 1521, violators could be found guilty of criminal trespass under § 810.08, Fla. Stat (2024).

<sup>24</sup> Martinez, M. (2023, Apr. 27). Transgender rights activists, lawmaker weigh in on Florida's 'bathroom bill'. *WESH2*. <https://www.wesh.com/article/florida-bathroom-bill/43730582>.

<sup>25</sup> Hearing on Facility Requirements Based on Sex, CS/HB 1521 2023 Session (Fla. Apr. 10 2023) (time stamp 2:30:35 to 2:34:10). Florida House Commerce Committee. <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=8804>.

<sup>26</sup> Ibid.

<sup>27</sup> *Women in Struggle et al v. Bain et al*, No. 6:2023cv01887 - Document 56 (M.D. Fla. 2023). <https://law.justia.com/cases/federal/district-courts/florida/flmdce/6:2023cv01887/419046/56/>.

<sup>28</sup> Senate Bill 1438 (2023) - The Florida Senate. (n.d.). <https://www.flsenate.gov/Session/Bill/2023/1438>; Bridges, C.A. (2023, May 23). What is drag? Did Florida ban drag shows? *Tallahassee Democrat*.

<https://www.tallahassee.com/story/news/politics/state/2023/04/12/drag-shows-in-florida-legislatures-crackdown-on-adult-performances/70107651007/>.

<sup>29</sup> SB 1438 classifies violations as first-degree misdemeanors, referring to § 775.082, Fla. Stat (2024), which establishes punishments for such offenses to include imprisonment not exceeding 1 year. SB 1438 also refers to § 775.083, establishing fines for misdemeanors, not to exceed \$1000, <https://www.flsenate.gov/Laws/Statutes/2018/0775.082>.

<sup>30</sup> Zizo, C. (2023, April 12). ‘Damn right:’ Florida lawmaker’s controversial comments amid drag show drama. *WKMG*. <https://www.clickorlando.com/news/local/2023/04/12/florida-lawmaker-on-concept-of-erasing-lgbtq-community-over-drag-show-drama-damn-right/>.

<sup>31</sup> State Representative Randy Fine. (2023, Mar. 3). The battle for our children begins today. I have just filed HB 1421 which bans the mutilation of children in the name of radical "transgender" theory, bans Florida citizens from having to pay for these procedures for other non-minors, and gives those tricked into this fraud thirty years to sue those who did it to them. I have also filed HB 1423 which will protect our children by ending the gateway propaganda to this evil -- "Drag Queen Story Time." I will relish the battle ahead. [Status update]. Facebook.

[https://www.facebook.com/voterandyfine/posts/761831661970637?ref=embed\\_post](https://www.facebook.com/voterandyfine/posts/761831661970637?ref=embed_post).

<sup>32</sup> Rep. Randy Fine. (2023, Apr. 14). The perverts who wish to groom our children will stop at nothing to achieve their ends. Today, I got to read about one named [@mattlavietes](https://twitter.com/mattlavietes) Tomorrow, all of you will as well. [Post] X. <https://x.com/VoteRandyFine/status/1647052749022851073>.

<sup>33</sup> Gallagher, A., & Squirrell, T. (n.d.) The ‘Groomer’ Slur. *Institute for Strategic Dialogue*. <https://www.isdglobal.org/explainers/the-groomer-slur/>.

<sup>34</sup> HM Florida-ORL, LLC, v. Griffin, 6:23-cv-950-GAP-LHP – Document 29 (M.D. Fla. 2023). <https://www.politico.com/f/?id=00000188-e989-d144-a5bc-ebfd4f0000>.

<sup>35</sup> Liptak, A. (2023, Nov. 16). Supreme Court Refuses to Revive Florida Law Restricting Drag Shows. *New York Times*. <https://www.nytimes.com/2023/11/16/us/politics/supreme-court-florida-law-drag-shows.html#:~:text=The%20Supreme%20Court%20refused%20on,continue%20in%20the%20lower%20courts>.

<sup>36</sup> Senate Bill 254 (2023) - The Florida Senate. (n.d.). <https://www.flsenate.gov/Session/Bill/2023/254>.

<sup>37</sup> Precocious puberty Diagnosis and treatment. (2023, July 19). *Mayo Clinic*. <https://www.mayoclinic.org/diseases-conditions/precocious-puberty/diagnosis-treatment/drc-20351817#:~:text=This%20usually%20involves%20medicine%20called,be%20given%20at%20longer%20intervals>; describing the treatment of precocious puberty with GnRH analogue therapy, the most common “puberty blocker” treatment.

<sup>38</sup> SB 254 establishes a violation as a class one misdemeanor and a willful violation as a class three felony. Under § 775.082 a class one misdemeanor may receive up to 1 year imprisonment while a class three felony may receive up to 5 years imprisonment, <https://www.flsenate.gov/Laws/Statutes/2018/0775.082>.

<sup>39</sup> Stahl, A. (2023, July 24). Lawsuit seeks to block Florida provision that limits trans treatment for adults. *The Guardian*. <https://www.theguardian.com/us-news/2023/jul/22/lawsuit-florida-provision-bans-transgender-care-adults>.

<sup>40</sup> In a recent study released by JAMA, a sample of 22 million minors in 2019 found that 85 received gender-affirming surgery, 82 of which were chest-related procedures (“top surgery”). No patient under the age of 13 received gender-affirming surgery. The study also noted that some of the same

procedures were provided to cisgender minor patients at much higher rates than transgender minor patients, concluding that “these findings suggest that concerns around high rates of gender-affirming surgery use, specifically among [transgender and gender diverse] minors, may be unwarranted. Low use by [transgender and gender diverse] people likely reflects adherence to stringent standards of gender-affirming care.” Dai, D., Charlton, B. M., Boskey, E. R., Hughes, L. D., Hughto, J. M., Orav, E. J., & Figueroa, J. F. (2024). Prevalence of Gender-Affirming surgical procedures among minors and adults in the US. *JAMA Network Open*, 7(6), e2418814. <https://doi.org/10.1001/jamanetworkopen.2024.18814>.

<sup>41</sup> Doe v. Lapado, Case No. 4:23cv114-RH-MAF – Document 223. (N.D. Fla. 2024). <https://www.scribd.com/document/741341304/Trans-Ruling>.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Doe v. Lapado, Case no. 24-11996 (11<sup>th</sup> Cir. 2024). <https://glad-org-wpom.nyc3.cdn.digitaloceanspaces.com/wp-content/uploads/2024/08/doe-v-ladapo-stay-order.pdf>.

<sup>45</sup> Ibid.

<sup>46</sup> Atterbury, A. (2023, March 31). Florida House passes parental rights bill restricting pronouns in schools. *Politico*. <https://www.politico.com/news/2023/03/31/florida-house-parental-rights-bill-pronouns-lgbtq-00089971>.

<sup>47</sup> Ibid.

<sup>48</sup> Sachs, S. (2023, March 9). Florida lawmakers want to ban transgender residents from changing birth certificates. *WFLA*. <https://www.wfla.com/news/politics/florida-lawmakers-wants-to-ban-transgender-residents-from-changing-birth-certificates/>.

<sup>49</sup> Zoledziowski, A., (2024, July 27). Florida's ‘Reverse Woke Act’ would force businesses to pay for detransitions. *VICE*. <https://www.vice.com/en/article/n7z8ng/florida-reverse-woke-act-detransition-healthcare>.

<sup>50</sup> House Bill 1233 (2023) - The Florida Senate. (n.d.). <https://www.flsenate.gov/Session/Bill/2023/1233>.

<sup>51</sup> <https://www.webmd.com/sex-relationships/what-is-conversion-therapy>

<sup>52</sup> Attacks on gender affirming care by State Map. (n.d.). *Human Rights Campaign*. <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.

<sup>53</sup> Berger. *Extremism*. Op. cit. pp. 76-82.

<sup>54</sup> Berger, J.M. (2023). Lawful Extremism: Extremist ideology and the Dred Scott decision, op. cit., Berger, J.M. The Social Construction of Extremism. Forthcoming.

<sup>55</sup> Jost, John T., Mahzarin R. Banaji, and Brian A. Nosek. "A decade of system justification theory: Accumulated evidence of conscious and unconscious bolstering of the status quo." *Political psychology* 25.6 (2004): 881-919. p. 883.

<sup>56</sup> GLAAD. (2024, August 12). Groomer: Definition, Meaning, and origin in Anti-LGBTQ hate. *GLAAD*. <https://glaad.org/groomer-definition-meaning-anti-lgbt-online-hate/>.

<sup>57</sup> State Representative Randy Fine. (2023, Mar. 3). The battle for our children begins today. I have just filed HB 1421 which bans the mutilation of children in the name of radical "transgender" theory, bans Florida citizens from having to pay for these procedures for other non-minors, and gives those tricked into this fraud thirty years to sue those who did it to them. I have also filed HB 1423 which will protect our children by ending the gateway propaganda to this evil -- "Drag Queen

Story Time." I will relish the battle ahead. [Status update]. Facebook.

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<sup>58</sup> Lavietes, M. (2023, April 13). Wife of Florida drag ban sponsor to host “sultry” performance to benefit kids’ charity. *NBC News*. <https://www.nbcnews.com/nbc-out/out-politics-and-policy/wife-florida-drag-ban-sponsor-host-sultry-performance-benefit-kids-cha-rcna79524>.

<sup>59</sup> Riley, J. (2023, April 14). Florida Republican is Fine with “Erasing” LGBTQ Community. *Metro Weekly*. <https://www.metroweekly.com/2023/04/florida-republican-is-fine-with-erasing-lgbtq-community/>.

<sup>60</sup> Rep. Randy Fine. (2022, Apr. 4). I've had enough. Next session, I will shepherd legislation to make it illegal to provide drugs or surgery to a minor for “gender assignment.” Will make it felony child abuse punishable by prison/loss of medical license. This legislation would not affect mental counseling. If an adult wants to self-mutilate in pursuit of the fiction they can defy G-d and science, more power to them -- as they don't expect me to pay for it. But no child should be put in the position of making life-altering decisions before they are of the age of majority. I can say I’m a porcupine, but that doesn't make it so. It is time to dispense with this fantasy making women's sports a joke and our schools into a cesspool. I've taken on Common Core, university corruption, and school board lawbreaking. And won every time. This is next. [Post] X.

<https://x.com/VoteRandyFine/status/1511007821453799433>.

<sup>61</sup> Transcript of Florida House General Session 05.04.2023.

<sup>62</sup> Doe v. Lapado, Case No. 4:23cv114-RH-MAF – Document 223. (N.D. Fla. 2024).

<https://www.scribd.com/document/741341304/Trans-Ruling>.

<sup>63</sup> Berger, J.M. (2023). Lawful Extremism: Extremist ideology and the Dred Scott decision, op. cit.

<sup>64</sup> Walters, A. (2024). Child, nation, and emotion: Analyzing children as rhetorical tools in political campaigns (Order No. 31143508). *Rutgers The State University of New Jersey, School of Graduate Studies*, ProQuest Dissertations & Theses, 2024. 31143508.

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<sup>65</sup> Walters, A. (2024). Child, nation, and emotion: Analyzing children as rhetorical tools in political campaigns (Order No. 31143508). *Rutgers The State University of New Jersey, School of Graduate Studies*, ProQuest Dissertations & Theses, 2024. 31143508.

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<sup>66</sup> Godfrey, P. (2004). “Sweet Little (White) girls”? sex and fantasy across the color line and the contestation of patriarchal white supremacy. *Equity & Excellence in Education*, 37(3), 204–218.

<https://doi.org/10.1080/10665680490491506>

<sup>67</sup> Ibid.

<sup>68</sup> Pearson, E. (2024, August 7). The hypermasculine far right: how white nationalists tell themselves they are ‘protecting’ women and children when they riot. *The Conversation*.

[https://theconversation.com/the-hypermasculine-far-right-how-white-nationalists-tell-themselves-they-are-protecting-women-and-children-when-they-riot-236250?utm\\_term=Autofeed&utm\\_medium=Social&utm\\_source=Twitter#Echobox=1723037237](https://theconversation.com/the-hypermasculine-far-right-how-white-nationalists-tell-themselves-they-are-protecting-women-and-children-when-they-riot-236250?utm_term=Autofeed&utm_medium=Social&utm_source=Twitter#Echobox=1723037237).

<sup>69</sup> Pearson, E. (2020). Gendered reflections? Extremism in the UK’s radical right and al-Muhajiroun networks. *Terrorism, Gender and Women* (pp. 137-160). Routledge.

<sup>70</sup> Berger, J. M. (2011). *Jihad Joe: Americans who go to war in the name of Islam*. Potomac Books, Inc. Kindle locations 1340, 1678, 1697, 4014-4030.



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<sup>71</sup> Pierce, W. L. (as Andrew Macdonald). *The Turner Diaries*. Publication history: Serialized in *Attack!* newsletter, starting in January 1975. Published as a book by National Alliance, 1978, and Barricade Books Inc., 1996. Published online by Lulu Enterprises Incorporated, 2015. p. 10.

<sup>72</sup> GLAAD. "Groomer." Op. cit.

<sup>73</sup> Walters, A. (2024). Child, nation, and emotion: Analyzing children as rhetorical tools in political campaigns (Order No. 31143508). *Rutgers The State University of New Jersey, School of Graduate Studies*, ProQuest Dissertations & Theses, 2024. 31143508.

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<sup>74</sup> A House staff analysis produced in relation to the bathroom bill claimed that the first U.S. regulation mandating separate restrooms for men and women was implemented in 1887. Analysis. "Bill #: CS/HB 1521 Facility Requirements Based on Sex." Florida House of Representatives. April 12, 2023.

<sup>75</sup> Grant, J.M., Mottet, L.A., & Tanis, J. (2011) Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. *National Center for Transgender Equality and National Gay and Lesbian Task Force*. [https://transequality.org/sites/default/files/docs/resources/NTDS\\_Report.pdf](https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf) finding that 53% of transgender individuals report verbal assault and 8% physical assault in a place of public accommodation; Murchison, G. R., Agénor, M., Reisner, S. L., & Watson, R. J. (2019). School Restroom and Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth. *Pediatrics*, 143(6), e20182902. <https://doi.org/10.1542/peds.2018-2902> finding transgender youth whose restroom access was restricted experienced significantly higher rates of sexual assault compared to unrestricted peers; Transgender teens with restricted bathroom access at higher risk of sexual assault. (2019b, May 7). *Harvard School of Public Health*. <https://www.hsph.harvard.edu/news/hsph-in-the-news/transgender-teens-restricted-bathroom-access-sexual-assault/>.

<sup>76</sup> Lang, N. (2024a, April 11). Florida's Anti-Trans bathroom law spurs harrowing vigilante attacks. *The Daily Beast*. <https://www.thedailybeast.com/floridas-anti-trans-bathroom-law-spurs-harrowing-vigilante-attacks>.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Parnell, M. (2023, March 10). Drag performers raise money for trip to speak with Florida lawmakers about adult performance bill. *10 Tampa Bay*. <https://www.wtsp.com/article/news/politics/drag-performers-florida-lawmakers-controversial-proposed-adult-performance-bill/67-c2fb97cf-8169-4ee3-aa64-34fa1f4842b8>, "[m]ovies that show strip shows or men dressed like strippers...there are categories of movies that you can't take children to, it's a rating called NC-17. The focus of our bill is on drag shows. . . . The Supreme Court once said, 'You know pornography when you see it, and I think it's the case here.'"

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<sup>82</sup> Queer News Tonight. (2024, August 6). Is drag show LIPS closure August 11 a victim of Florida politics [Video]. YouTube. <https://www.youtube.com/watch?v=4YEdv7BZmZO>.

<sup>83</sup> Russon, G. (2024, May 23). Hamburger Mary's, which sued Gov. DeSantis over drag queen law, is closing and hoping to relocate. *Florida Politics*. <https://floridapolitics.com/archives/675891-hamburger-marys-which-sued-gov-desantis-over-drag-queen-law-is-closing-and-hoping-to->

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<sup>85</sup> Ibid.

<sup>86</sup> HM Florida-ORL, LLC v. Governor of Florida, Case No. 23-12160 – Document 26. (11<sup>th</sup> Cir. 2024) <https://storage.courtlistener.com/recap/gov.uscourts.ca11.83358/gov.uscourts.ca11.83358.26.o.pdf>

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<sup>91</sup> Dasilva, S. (2024, August 30). Lakeland’s Rose Dynasty Center says gender-affirming care is off after appeals court ruling. *News Channel 8*. <https://www.wfla.com/news/polk-county/lakelands-rose-dynasty-center-says-gender-affirming-care-is-off-after-appeals-court-ruling/>.

<sup>92</sup> Catherman, C. (2024, June 28). Orlando clinics resume transgender care after ban ends, but legal battles continue. *Orlando Sentinel*. <https://www.orlandosentinel.com/2024/06/28/orlando-clinics-resume-transgender-care-after-ban-ends-but-legal-battles-continue/>.

<sup>93</sup> Reed, E. (2024, August 28). Transgender adults being cut from care after Florida court ruling. *Erin In The Morning*. <https://www.erininthemorning.com/p/transgender-adults-being-cut-from>.

<sup>94</sup> Senate Bill 254 (2023) - The Florida Senate. (n.d). <https://www.flsenate.gov/Session/Bill/2023/254>.

<sup>95</sup> Schall, T. E., & Moses, J. D. (2023). Gender-Affirming care for cisgender people. *The Hastings Center Report*, 53(3), 15–24. <https://doi.org/10.1002/hast.1486>; Brown, J.T. (2022, Oct. 30). When I started growing breasts as a teen boy, I got gender-affirming care without stigma. *NBC News*. <https://www.nbcnews.com/think/opinion/gender-affirming-care-isnt-just-for-trans-people-rcna54651>; Smothers, H. (2024, July 27). Hm, no one had a problem with puberty blockers when only cis kids took them. *VICE*. <https://www.vice.com/en/article/no-one-had-a-problem-with-puberty-blockers-when-only-cis-kids-took-them/>.

<sup>96</sup> Doe v. Lapado, Case No. 4:23cv114-RH-MAF – Document 223. (N.D. Fla. 2024). <https://www.scribd.com/document/741341304/Trans-Ruling>.

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<sup>99</sup> Zizo, C. (2023b, April 12). 'Damn right:' Florida lawmaker's controversial comments amid drag show drama. *WKMG*. <https://www.clickorlando.com/news/local/2023/04/12/florida-lawmaker-on-concept-of-erasing-lgbtq-community-over-drag-show-drama-damn-right/>.

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<sup>102</sup> Thakker, P. (2023, April 21). Ron DeSantis's director is literally cheering on LGBTQ parents fleeing Florida. *The New Republic*. <https://newrepublic.com/post/171979/pushaw-desantis-lgbtq-parents-florida>.

<sup>103</sup> Lang, N. (2024, July 22). A notorious type of legislation is back with a vengeance. *Slate Magazine*. <https://slate.com/life/2024/07/bathroom-bills-anti-trans-legislation-comeback.html>.

<sup>104</sup> *Bostock v. Clayton County, Georgia*, 590 U.S. 644 (2020).

<sup>105</sup> Liptak, A., (2024, January 24). The Supreme Court's Mixed Record on Adhering to Precedent. *The New York Times*. <https://www.nytimes.com/2024/01/29/us/supreme-court-precedent-chevron.html>.

<sup>106</sup> Brief for *Amici Curiae* American Academy of Pediatrics and Additional National and State Medical and Health Organizations in Support of Petitioner and Respondents in Support of Petitioner, *U.S. v. Skremetti, et al.*, 23-477 (2024) [https://www.supremecourt.gov/DocketPDF/23/23-477/323964/20240903155151548\\_23-477%20otsac%20Brief%20of%20Amici%20Curiae%20AAP%20et%20al..pdf](https://www.supremecourt.gov/DocketPDF/23/23-477/323964/20240903155151548_23-477%20otsac%20Brief%20of%20Amici%20Curiae%20AAP%20et%20al..pdf).

<sup>107</sup> Brief of State Legislators, American Family Association, Inc., and AFA Action, Inc. as *Amici Curiae* in support of Respondents, *U.S. v. Skremetti, et al.*, 23-477 (2024) [https://www.supremecourt.gov/DocketPDF/23/23-477/327815/20241009120525823\\_State%20Leg%20AFA%20AFAA%20amicus%20brief.pdf](https://www.supremecourt.gov/DocketPDF/23/23-477/327815/20241009120525823_State%20Leg%20AFA%20AFAA%20amicus%20brief.pdf)

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<sup>109</sup> Berger (2023). "Lawful Extremism: The Dred Scott Decision..." *Op. cit.* pp. 5, 40.