

THE DANGEROUS CONSEQUENCES OF FLORIDA’S “DON’T SAY GAY” BILL ON LGBTQ+ YOUTH IN FLORIDA

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I. Background on the Bill

In March 2022, Florida Governor Ron DeSantis signed into law the Parental Rights in Education bill, better known as the “Don’t Say Gay” bill (the Bill) by its opponents.¹ According to the text of the Bill, its aim is to prohibit “classroom discussion about sexual orientation or gender identity in certain grade levels” in Florida’s primary schools.² The Bill is framed around the “fundamental rights of parents to make decisions regarding the upbringing and control of their children.”³ It even empowers and enables parents to take legal action against a school district to obtain a declaratory judgment that the school has violated the law.⁴ Joe Harding, the drafter and most prominent proponent of the Bill, stated that the purpose of the Bill is to “empower parents” and “create boundaries at an early age of what is appropriate in our schools.”⁵

II. Swift Backlash Against the Bill

The Bill faced instant criticism and disapproval.⁶ President Biden called the bill “hateful.”⁷ Chasten Buttigieg, a former teacher and husband of the Secretary of Transportation, Pete Buttigieg, heavily criticized the Bill, tweeting that it “will kill kids.”⁸ A poll from the Public Opinion Research Lab at the University of North Florida found that only 40% of Floridians supported the bill, while 49% of Florida residents opposed it.⁹ Critics were particularly disturbed by a proposed amendment to the Bill, which would require Florida school principals to “out”

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¹ Jaclyn Diaz, *Florida’s Governor Signs Controversial Law Opponents Dubbed ‘Don’t Say Gay,’* NPR (Mar. 28, 2022), <https://www.npr.org/2022/03/28/1089221657/dont-say-gay-florida-desantis>.

² H.R. 1557, 2022 Leg., (Fl. 2022); Lavietes, *supra* note 5.

³ H.R. 1557, 2022 Leg., (Fl. 2022).

⁴ *Id.*, see Brooke Migdon, *Florida House Passes ‘Don’t Say Gay’ Bill*, HILL (Feb. 24, 2022), <https://thehill.com/changing-america/respect/equality/595713-florida-house-passes-dont-say-gay-bill>.

⁵ Matt Lavietes, *Florida House Passes ‘Don’t Say Gay’ Bill*, NBC (Feb. 24, 2022), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/florida-house-passes-dont-say-gay-bill-rcna17532>.

⁶ See Erin Brady, *Florida’s ‘Don’t Say Gay Bill’ Amendment That Would Out Kids Withdrawn*, NEWSWEEK (Feb. 22, 2022), <https://www.newsweek.com/floridas-dont-say-gay-bill-amendment-that-would-out-kids-withdrawn-1681550>.

⁷ *Id.*

⁸ Jo Yurcaba, *Chasten Buttigieg Says Florida’s ‘Don’t Say Gay’ Bill Will Push Kids “Back Into the Closet,”* NBC (Jan. 25, 2022), <https://www.nbcnews.com/nbc-out/out-news/chasten-buttigieg-says-floridas-dont-say-gay-bill-will-push-kids-back-rcna13463>.

⁹ Brooke Migdon, *Florida House Passes ‘Don’t Say Gay’ Bill*, HILL (Feb. 24, 2022), <https://thehill.com/changing-america/respect/equality/595713-florida-house-passes-dont-say-gay-bill>.

students to their parents within six weeks of their revealing their gender identity or sexual orientation at school.¹⁰ In light of the widespread criticism, Harding pulled the controversial amendment less than an hour before the Florida House was set to meet to discuss the Bill.¹¹ Harding claims that the amendment was misinterpreted and exaggerated by critics – and that the amendment was not about outing students but rather about the procedures surrounding when information that was withheld from parents was to be revealed to them.¹² Withdrawing the amendment did not erase the valid concerns of the Bill’s opponents.¹³ As the public policy director for Equality Florida stated, the Bill’s proponents “have made [it] clear they are willing to take a disgusting, unfettered attack on LGBTQ+ youth.”¹⁴

III. The Dangerous Implications of the Bill on LGBTQ Youth in Florida

The Bill could severely impact the mental health of LGBTQ+ students in Florida.¹⁵ Amir Paley, CEO of the Trevor Project, an LGBTQ+ youth suicide and crisis prevention organization, said that “when lawmakers treat LGBTQ+ topics as taboo... it only adds to the existing stigma and discrimination, which puts LGBTQ+ young people at greater risk for bullying, depression, and suicide.”¹⁶ LGBTQ+ youth are already at a higher than average risk of suicide and self-harm, as a survey found that 42% of LGBTQ+ young people seriously considered suicide in 2021.¹⁷ The bias, discrimination, and family rejection that many LGBTQ+ youth must deal with are potential factors that contribute to this higher rate of suicide.¹⁸ This Bill transforms classrooms into unsafe spaces for LGBTQ+ students, where they must hide their sexuality, which can exacerbate the issues that these students are already facing.¹⁹

The Bill would also prevent Florida’s primary school students from talking about their LGBTQ+ family members and LGBTQ+ history.²⁰ For example, according

¹⁰ See Brady, *supra* note 6.

¹¹ Jim Rosica, *Lawmaker behind Florida’s ‘Don’t Say Gay’ Bill Pulls Amendment Requiring Schools to Out Students*, USA TODAY (Feb. 22, 2022), <https://www.usatoday.com/story/news/politics/2022/02/22/dont-say-gay-bill-florida-schools-out-students/6894516001/>.

¹² Migdon, *supra* note 9.

¹³ See Ana Goñi-Lessan, *Harding Amendment Axed, but LGBTQ Advocates Say ‘Don’t Say Gay’ Bill Hurts Student Privacy*, TALLAHASSEE DEMOCRAT (Feb. 22, 2022), <https://www.tallahassee.com/story/news/2022/02/22/dont-say-gay-bill-oversteps-student-privacy-lgbtq-advocates-say/6891967001/>.

¹⁴ *Id.*

¹⁵ See Madeleine Carlisle, *What Florida’s “Don’t Say Gay” Bill Could Mean for LGBTQ Kids*, TIME (Feb. 9, 2022), <https://time.com/6146664/dont-say-gay-bill-florida-impact/>.

¹⁶ Migdon, *supra* note 9.

¹⁷ Lavietes, *supra* note 5.

¹⁸ *Behavioral Health*, YOUTH.GOV, <https://youth.gov/youth-topics/lgbtq-youth/health-depression-and-suicide>.

¹⁹ See *id.*

²⁰ Migdon, *supra* note 9.

to the text of the statute, if a student is asked to draw a picture of their family and a child draws their two dads and shares their drawing with the class, a parent could sue the school if they feel there was an inappropriate discussion of sexual orientation or gender identity.²¹ The resulting fear of impending lawsuits could encourage teachers to silence students who have LGBTQ+ family members and exclude them from exercises like this.²² Nadine Smith, of Equality Florida, said that “every child has a right to speak honestly about their lives, a right to have access to a history that is honest and includes them.”²³ Representative Harding has emphasized and assured people that the text of the Bill does not prohibit students from talking about their families or LGBTQ+ history, such as events like the 2016 shooting of Pulse nightclub in Orlando, a major moment in Florida’s recent history.²⁴ Although Harding has assured that the Bill will not prevent teachers from educating their students about events in LGBTQ+ history, opponents of the Bill are not convinced. Brandon Wolf, the spokesperson for Equality Florida and survivor of the Pulse nightclub shooting, spoke out against Harding and the Bill, declaring, “you cannot erase us.”²⁵

IV. Conclusion

The “Don’t Say Gay” bill has dangerous and real consequences for LGBTQ+ youth in Florida.²⁶ The people of Florida have the right to be concerned that a bill centered on the “rights of parents” actually infringes on the rights of children, namely their right to feel safe at school and speak openly to their teachers and classmates.²⁷ Children also deserve to learn about important historical events, especially history that is representative and reflective of their lives, and the “Don’t Say Gay” bill would limit those opportunities to learn and erase the lives of so many important people who have come before them.²⁸

²¹ Carlisle, *supra* note 15.

²² *Id.*

²³ *Florida House of Representatives Passes ‘Don’t Say Gay’ Bill*, BBC NEWS (Feb. 24, 2022), <https://www.bbc.com/news/world-us-canada-60514226>.

²⁴ Yurcaba, *supra* note 8.

²⁵ *Id.*

²⁶ *See* Carlisle, *supra* note 15.

²⁷ *See* H.R. 1557, 2022 Leg., (Fl. 2022).

²⁸ *See* Migdon, *supra* note 9.