

Selling the Economics of Equality: Modernizing the Florida Civil Rights Act of 1992

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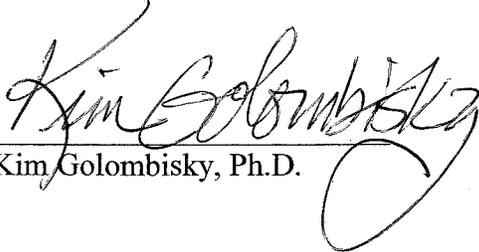
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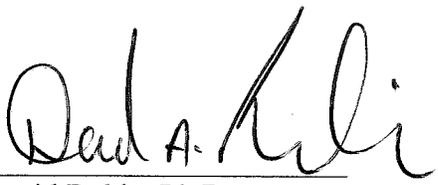
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Abstract

My Women's and Gender Studies master's degree track included an internship with Equality Florida (EQFL) and Florida Businesses for a Competitive Workforce (FBCW). Lending support during the Florida 2016 legislative session as the Legislative Field Consultant for EQFL and FBCW, I worked closely with the groups' field and policy teams and their lobbyist. The goal of this internship was to secure the first-ever legislative hearing for the Florida Competitive Workforce Act, a statewide nondiscrimination bill known as House Bill 45 and Senate Bill 120. Currently in Florida there are no protections for lesbians, gay, bi-sexual, transgender, and queer (LGBTQ+) identifying individuals when it comes to discrimination in the workplace, housing, and public accommodations (Equality Florida Action, Inc., 2014). One can be fired, denied access to housing, or be unwelcome in an establishment due to the lack of these protections. The 2016 legislative session marked the first time a Southern legislature has taken up a bill that would ban anti-LGBT discrimination in employment, housing, and public accommodations. While we were successful in meeting our goal of securing a legislative hearing, the bill ultimately failed with a tie vote of five senators in support and five senators in opposition.

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Preface: Notes on Terminology

In this narrative, I use the term “queer” (the Q in the LGBTQ acronym) to refer to some individuals within the LGBTQ+ community. I also use “queer” as an overarching term for the LGBTQ+ community. For many lesbian, gay, bisexual, and transgender individuals, the term queer has a negative connotation, especially for individuals who were young adults during the Stonewall era. Queer at that time was a derogatory term. Some members of the community choose to reclaim this word as a form of empowerment; others do not. Regardless, individuals must claim the term before it is acceptable to refer to others as “queer.” I use “community” in my professional activism and in this narrative to describe the LGBTQ+ community as a whole. I use “+” to include the identities of additional members of the community, including intersex, pansexual, and asexual, to name a few. “Gender nonconforming” refers to “individuals whose gender expression is different from societal expectations related to gender” (National Center for Transgender Equality, 2014). “Homophobia”/“homophobic” refers to the hatred or fear of LGBTQ+ individuals. This hate often leads to violence and death for those within the community. Similarly, “transphobia”/“transphobic” refers to the hatred or fear of “transgender” individuals “whose identity, expression or behavior is different from those typically associated with their assigned sex at birth” (National Center for Transgender Equality, 2014). Transphobia can be emotional disgust, fear, anger, or discomfort felt or expressed towards people who do not conform to society's gender expectations.

The three key terms that appear in the language of the Florida Competitive Workforce Act are: “gender identity,” “gender expression,” and “sexual orientation.” Gender identity, unlike sex assigned at birth, refers to a person’s deeply *felt* sense of

being male, female, both, or neither. While it is most common for a person's gender identity to align with birth assignment, this is not always the case. A person's gender identity can be different from birth assignment. In contrast to gender identity, "gender expression" is external, encompassing everything that communicates gender to others: clothing, hairstyles, body language, mannerisms, how we speak, how we play, and our social interactions and roles. "Sexual orientation" refers to being romantically or sexually attracted to people of a specific gender. Sexual orientation and gender identity are separate, distinct parts of overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity from an early age (Gender Diversity, 2016).

Introduction

“I’m all in favor of people treating people fairly and accommodating people,” Simpson said, but with the bill, “you could have a lot of weirdos doing weird things in bathrooms. Men or women.” – Florida Sen. Wilton Simpson, R-Trilby (Rohrer, 2016)

On Feb. 11, 2016, the Florida Senate heard Senate Bill 120, a bill designed to provide equal protections for lesbian, gay, bisexual, transgender, queer, and gender non-conforming (LGBTQ+) individuals in the workplace, housing, and public accommodations. The significance of the bill was that Florida has no legal protections when it comes to the workplace, housing, and public accommodations for what I will refer to as the queer community, generally comprised of sexual and gender minorities.

From January to May of 2016, I interned with Equality Florida (EQFL) and for the Florida Businesses for a Competitive Workforce (FBCW). My job was to lend support during the 2016 legislative session as the groups’ Legislative Field Consultant. I worked closely with EQFL’s field and policy teams and their lobbyist.

The goal of this internship was to assist with securing the first ever-legislative hearing for the Florida Competitive Workforce Act, a statewide nondiscrimination bill – known as House Bill 45 (HB45) and Senate Bill 120 (SB120), which sought to modernize the Florida Civil Rights Act of 1992. The Florida Civil Rights Act prohibits discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. SB120 is designed to add “sexual orientation,” “gender identity,” and “gender expression” to this list. Modernizing the Florida Civil Rights Act of 1992 would provide equal protections for lesbian, gay, bi-sexual, and transgender

Floridians in the workplace, housing, and public accommodations. While we were successful in meeting our goal by securing a legislative hearing, the bill ultimately failed with a tie vote of five senators in support and five senators in opposition.

In this narrative, I discuss the details of my master's internship with EQFL and FBCW during Florida's 2016 legislative session. I then provide background on EQFL and FBCW and their work leading up to the legislative hearing for the Florida Competitive Workforce Act. Next I address the lack of education on the part of elected officials sworn to serve the public and how this played out during the legislative hearing. I also discuss the strategic shift in messaging from emotion-based conversations to the importance of economic growth in Florida as a way to target conservative committee members in the house and senate. Additionally I reflect on the disconnection between academic theory and real-world application. Finally I describe the current state of the LGBTQ+ movement and the continued pushback at state and national levels along with what efforts look like for advocates going forward. I work and write on these issues as a professional activist with over 10 years' experience in fighting for and securing civil rights for LGBTQ+ individuals.

Feminist values encourage a reflexive accounting of one's positionality vis a vis the work. However, I have struggled with thinking about my own identity in relation to my work, although not in the way that one might think. People often assume I am a white, able-bodied woman who is assumed to be an ally for the LGBTQ+ community, but not a member of it. I have had thousands of conversations with supporters, voters, and allies regarding the importance of LGBTQ+ rights and protections, and people usually assume that I am a straight individual who lends

support to the LGBTQ+ movement. I recognize this is a privilege that I simply cannot control. As someone who does not identify or label myself with a particular sexual orientation, I take responsibility for and understand the possible confusion and the need for others to categorize me; it is what we as humans do. As I move through the world (with my male partner), I recognize my privilege in most areas of my life, especially in regards to what my internship was about: providing protections in the workplace, housing, and public accommodations. Due to being perceived as straight, I am safe and protected in these spaces. It is not until people learn that the majority of my time is spent in queer spaces that they understand I am not only an ally, but identify as member of the LGBTQ+ community.

A Day in the Life

During my internship, my week would start with a check-in call to Patrick Slevin, campaign manager for FBCW. We would discuss our tactics for the week, including what our field efforts should look like. My second phone call of the morning would be to EQFL's policy team and lobbyist. Together we would use the available information between us to create the most effective strategy for that week. I would then take this information and develop a weekly worklist and plan and divide up tasks between the three EQFL staff whom I managed. One of our weekly tasks was phone banking where our team would call constituents within a given region to urge them to reach out to their state representatives in a show of support for SB120. Another common task was gathering stories of Floridians who experienced discrimination due to the lack of protections and then forward those stories to media outlets or have those individuals talk directly to committee members in Tallahassee.

Managing all the moving parts of a campaign involved keeping track of and organizing multiple projects, data sources, materials, and people all at once. For this campaign, I also dealt with a geographical dynamic of managing a dispersed and remote staff in Tampa, Jacksonville, and Orlando. Using cloud-based document sharing, we updated daily and sometimes hourly, which allowed all of us to stay connected and work in real time.

Background

After marriage was deemed a civil right for all Americans by the United States Supreme Court on June 26, 2015, the backlash from those who oppose LGBTQ+ equality has come with full force and with a very specific agenda. Over 200 anti-LGBTQ+ bills designed to disenfranchise LGBTQ+ individuals and their families were presented across the country during 2016 legislative sessions, including anti-transgender bills that focused on preventing public facility use in 11 states and religious exemption bills targeting marriage in over a dozen states (Garcia, 2016). Florida is not exempt from harboring hate and ignorance surrounding LGBTQ+ protections and individuals. Numbers of Floridians and representatives across the state do not want to support modernizing the Florida Civil Rights Act of 1992. This force of hate, lack of understanding, and arrogance had to be met head on with a smart and strategic plan to simply get SB120 heard during Florida's 2016 legislative session in Tallahassee.

The responsibility to defend the LGBTQ+ community from this backlash fell on the shoulders of EQFL, as the state's leading LGBTQ+ civil rights advocacy organization. Founded in 1997 by Nadine Smith and Stratton Pollitzer, EQFL does work ranging from advocating policies to stopping harmful legislation and running educational campaigns. EQFL and its staff work hard each day to make sure LGBTQ+ Floridians are protected and able to live their lives. EQFL has worked tirelessly and smartly over the past 19 years to pass 38 human rights ordinances (HROs) in 27 cities across the state, in order to protect LGBTQ+ Floridians from discrimination. During our 2015 marriage equality fight, love, family, and commitment were the cornerstone to having meaningful and impactful conversations with voters, politicians, and lawmakers. Sharing stories that

led to changing hearts and minds was how groups such as EQFL helped to win the campaign for the freedom to marry nationwide. In 2016, success in getting SB120 heard required a different conversation. To help with this effort, EQFL worked in partnership with Florida Businesses for a Competitive Workforce.

Florida Businesses for a Competitive Workforce is a bi-partisan coalition created in Florida to bring on local and statewide pro-equality business support for the inclusion of LGBTQ+ individuals statewide. These businesses are “committed to ending LGBTQ+ discrimination in employment, housing, and public accommodations” (Florida Businesses for a Competitive Workforce, 2014). FBCW recognized that by discriminating against LGBTQ+ individuals, Florida was making the state less attractive in the economic world. Making Florida the best state it can be economically means attracting talented people from all fields from across the country. Why would individuals from more progressive states with equal protections move here to live, play, and work? Why would parent(s) uproot their families if they were not going to have the same protections as they do in the current state in which they live? Why would people choose to travel here if they could be discriminated against? FBCW spent more than a year building a list of over 500 small and large businesses that support equality and more specifically support SB120 (Florida Businesses for a Competitive Workforce, 2014). Modernizing this bill would prohibit discrimination in employment, housing, and public accommodations for all Floridians when it comes to sexual orientation and gender identity (Halterman, 2016).

The biggest issue from the standpoint of attracting talented workers to Florida is that as of this writing a person can be fired from a job and discriminated against simply for being LGBTQ+, or perceived as so. There are also no protections when it comes to

housing and public accommodations. The Florida Civil Rights Act of 1992, which prohibits discrimination in housing, public accommodation, and places of employment, states:

The general purposes of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state. (Florida State Senate, 2011)

When looking over the list of individuals and groups protected, it is easy to think that everyone is covered from discrimination in Florida, but six simple and important words are not included in the Florida Civil Rights Act of 1992: “gender expression,” “gender identity,” and “sexual orientation.” Not including these words in Florida’s Civil Rights Act of 1992 has meant individuals and families within the LGBTQ+ community continue to face discrimination in the workplace, housing, and in public accommodations. Leaving out those words allows employees and business owners the freedom to discriminate.

What does this look like in real life? A same-sex couple is enjoying a meal at a local restaurant. As many couples do: they might sit close to one another, engage in conversation, hold hands, or share a quick kiss. Another customer is “uncomfortable” with the couple’s interaction and has the manager or owner of the establishment ask the couple to leave (Korn, 2016). A transgender man walks into a barbershop asking for a

masculine haircut. He is denied services by the owner, who states that “he would not cut any woman’s hair because cutting a woman’s hair violates his religious beliefs” (Polaski, 2016). Another reality for LGBTQ+ individuals is the lack of job security. A story we hear too often is one in which a couple spends the weekend getting married surrounded by family and friends. The couple returns to work the next week; a photo of their special day is placed on one’s desk. A colleague or manager sees this photo and does not support the freedom to marry or again, this couple’s “lifestyle.” The photo is reported to HR and shortly after the new groom/bride is fired. This is also a common story for transgender individuals, as they have a higher chance of being discriminated against. SB120 sought to solve these problems by adding those six words: gender expression, gender identity, sexual orientation (Jenkins, 2015).

Nov. 4, 2008, marked a major turning point in my life. California’s ban on same-sex marriage known as Proposition 8 passed by 52.3% of California voters, meaning over half of Californians voted to make same-sex marriage illegal (Cillizza & Sullivan, 2013). That evening the LGBTQ+ community, allies, families, and friends gathered at the State Capitol in Sacramento. Candles were lit, signs that read “Love is love,” “Let my mummies get married,” and “Why does who I love matter?” were seen across a sea of heartbroken people. Feelings of sadness, frustration, and confusion about why people cared so much about someone else’s relationship ran through everyone’s mind. We were all in a fog of disbelief. My heart was broken as I marched around the Capitol searching for answers.

The night turned to day, and as activists do, we gathered, we had important conversations, and we took action. I was fortunate to join “Team Win” with Equality

California and be a part of their Win Marriage Back campaign in 2009. As their regional field director, I worked tirelessly in Sacramento to build a remarkable team that educated voters on the importance of marriage equality, helped pro-equality candidates get elected statewide, passed important legislation, and were a part of changing hearts and minds all across California, which led to striking down of the Defense of Marriage Act (DOMA) and the overturning of Proposition 8. June 26, 2013 (Phillip & De Vogue, A., 2013):

What a day.

As someone who believes strongly in equal rights for all, no matter one's race, nationality, ethnicity, educational level, ability, class, gender, sexual orientation, gender identity, or gender expression, my journey continued, and I found a new home. In 2015, I joined with Equality Florida and Freedom to Marry, where I was employed to work to make sure all Floridians could marry the people they love, be protected under the law, and be seen as equals to their heterosexual counterparts. After my work with marriage equality, EQFL was excited to have me take on this workplace equality internship and lend support to the 2016 legislative field efforts for the Florida Competitive Workforce Act.

Theory into Practice

With my political and professional background, it was a no brainer for me to enter the Women's and Gender Studies department at University of South Florida (USF) in 2015. My beliefs and values for equality lined up with what the department teaches and practices, especially surrounding the importance of equal rights and protections for marginalized communities. I was excited to have conversations about how damaged our political system is, the importance of LGBTQ+ rights (particularly marriage equality as that was one of the recent fights), and continue to put into practice what I know how to do best: Take action and create change through public education and policy.

However, my peers did not totally welcome my activist history with open arms. In my first graduate course, my professor asked me to share with the class my work that I had been involved in. I discussed the importance of changing hearts and minds through the sharing of harm and love stories and how much it meant to me for my family and friends to be treated equally under the law and seen as equals to heterosexual counterparts. It felt as if I was slapped in the face when my classmates said, "You are trying to make us seem normal," and "You are forcing us to live within the current patriarchal system." This hurt my heart and made me feel as though my brilliant colleagues' work had been unappreciated and misunderstood within the academic setting, even though I know for a fact that many of my colleagues in the field do dream of the future promised by queer theory.

Here is an opportune moment to introduce the difference between LGBTQ+ identity politics representing the "queer" community and queer theory highlighting the exclusions that binaries create: such as gay/straight excluding bisexual and pansexual,

among others, as well as male/female, excluding gender non-conforming individuals. Binaries always imply a hierarchical order in terms of normative/deviant, natural/unnatural, or healthy/pathological. These two positions—queer identity politics and queer theory—while not oppositional stances do represent a fundamental tension between working with the system for material political transformation (queer identity politics) and working to expose the exclusions within the whole system in order to imagine a radically different world in which binaries and hierarchies do not exist (queer theory). The paradox of identity politics is that the queer community has to name its categories to make them visible in order to reveal social injustices. This is true of all marginalized groups, such as the civil rights, women's, disabilities, as well as LGBTQ+ movements, for example. However, to make subjugated experiences such as workplace discrimination of transgender employees visible and understood to the wider community, we end up having to label identifications such as “gender expression” in an effort to include them in the list of protected categories (including race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status) in the Florida Civil Rights Act of 1992. Thus our language choices mostly reinforce the outsider, non-normative status we are trying to overcome. Although folks working on the frontlines do recognize that all identities are socially constructed to reflect the dominant social order and thus can be deconstructed and reimagined in a more just world, they also know that today those who fall outside the system of protected labels still need gainful employment, a home to live in, and the ability to enjoy a meal in public spaces.

In the world controlled by politicians, lawmakers, and public policy enforcers, queer theory remains yet another demonstration of wasted taxpayers' funds in public

education. Indeed, they still don't grasp gender-neutral bathrooms or the nuances among sexual orientation, gender identity, and gender expression. Prior to marriage equality nationwide, people were forced to watch loved ones die from afar, unable to make medical decisions for their partners, and were not afforded the 1,137 federal benefits that heterosexual couples are afforded under the law of marriage (United States General Accounting Office, 2004). I am an advocate for a crossroads of methods for change: Rallies, marches, having conversations with unlikely messengers (conservatives, people of faith, veterans, the NASCAR dad who loves and supports his gay daughter), pushing policy, and stopping harmful and hateful legislation are all important pieces in shifting public opinion and gaining rights for people who should already have access to them. We don't have the luxury of not working within the system, nor do we have the luxury of not imagining a better system.

The reality is our political structure, representatives, and decision makers work within the categories of their lived experiences, along with their prejudices. What advocates, lobbyists, allies, and those within LGBTQ+ community who do this work have learned from decades of passing important laws and protections is that we must address the system we all currently live in. The conversations that happen to bring about political change/equality cannot go from 0 to 60. We have to start by meeting folks in the world that they know, even as we turn toward making a new better one.

Strategy

During the marriage equality campaign, love, family, and commitment were the cornerstone to having meaningful and impactful conversations with voters, politicians, and lawmakers. By focusing on love, family, and commitment, we allowed people who felt far removed from the importance of marriage equality to view the issue through a familiar lens: “Bob, how did you and Jill meet?” “After college, where did you get married?” “It sounds like it was very important for you to get married in your home state and have your entire family there.” Having people share their own marriage and family experiences took them away from being politically right or politically left. It allowed people to think in terms of what marriage, love, family, and commitment meant to them and how it could mean the same thing for same-sex couples.

Getting a hearing for SB120 required a different conversation. Convincing the predominantly Republican target legislative committee to hear SB120, which would put extra requirements on business owners and almost certainly generate a religious backlash in committee members’ districts, required minimizing the messaging about fairness and civil rights for the LGBTQ+ community. Instead, our strategy was to focus on the statewide economic gain to be had by creating an inviting environment for investors, entrepreneurs, young professionals, and tourists. The line of logic was that attracting talented employees from across the country, making Florida attractive to individuals already living in states with equal rights, and continuing to have professional musicians and artists perform here, would strengthen Florida’s economic growth. In short, we were selling the economics of equality.

Connecting with Senate and House committee members was crucial to having SB120 heard. It was important not to make committee members feel as though they were being attacked or labeled as homophobic. Connecting with their values was also important to having productive conversations leading up to and during the legislative session. This meant doing reconnaissance to learn the individual values and beliefs of target committee members by researching their political histories and through direct conversations in Tallahassee with the EQFL lobbyist. Knowing if the target was a person of faith, business owner, or a USF, UF, or FSU graduate, allowed us to craft tactical messaging for each individual.

At the same time, business leaders from across Florida who support putting an end to LGBTQ+ discrimination and individuals who are invested in the economic growth of Florida were important to have in the legislative hearing room. These messengers added credibility to our economic argument. John Tonnison of corporate giant Tech Data epitomized this role as he stood before the committee and eloquently described how the company has seen first-hand the benefits of inclusion. He spoke about the importance of Florida being able to compete with progressive areas such as Austin, TX, and San Francisco, CA, for young programmers. Florida offers a lower cost of living, lower taxes, and an endless summer, but if we cannot provide job security from discrimination, no one will care.

Florida Businesses for a Competitive Workforce's yearlong investment in enlisting our key business supporters was a success. FBCW secured signatures, letters of support, and one-on-one meetings with businesses such as AT&T, Disney, The Home Shopping Network (HSN), WinnDixie, and Raymond James, along with over 500 other

pro-equality, pro-economic growth Florida businesses. Working closely with EQFL and FBCW, I and my team made sure that these key business leaders were having one-on-one conversations with our target committee members to express why modernizing the Florida Civil Rights Act of 1992 is a great move for Florida. Another piece of the strategy was to enlist key constituents such as faith leaders, economic experts, pro-equality politicians from our committee members' voting districts to have one-on-one conversations either face-to-face or over the phone. We also needed these constituents to write letters to their representatives stating they support this bill and why it is important for all Floridians. We further needed constituents to push back on their representatives when those representatives publically said they were against modernizing the Florida Civil Rights Act of 1992.

Go Team

I have been fortunate in my career in the LGBTQ+ movement to work with brilliant people. The teams I have created and worked with have been able to get pro-equality candidates elected, educate minds and change hearts among the toughest crowds, pass marriage equality, and stop harmful legislation in its tracks. This time around was no different. Working with Equality Florida's field and policy teams, and the EQFL lobbyist, we executed our responsibilities in a timely fashion helping push opinion surrounding Florida's Competitive Workforce Act where it mattered most: in Tallahassee. Having access to EQFL's policy director and lobbyist allowed the field team to make daily decisions and changes to our plan that had an immediate impact on our six targeted committee members: Miguel Diaz de la Portilla (R – Miami/Dade), Aaron Bean (R - Nassau, Duval), Lizbeth Benacquisto (R - Charlottee, Lee), Jeff Brandes (R – St. Petersburg), David Simmons (R - Seminole, Volusia), and Wilton Simpson (R - Hernando, Pasco, Sumter). Convincing committee members to do the right thing and be on the right side of history was our overarching goal. Our multi-tiered approach coupled with the conversations between EQFL's lobbyist and target committee members created some movement as the committee started to realize the economic impact SB120 would have on the State of Florida, as well as the harm failing to pass the FCWA might cause, as we saw in North Carolina after passing "bathroom law" House Bill 2 (HB2), which prevents local governments from protecting LGBTQ+ people with nondiscrimination ordinances. N.C.'s HB2 mandates that transgender individuals must use the bathroom that corresponds with their "biological" sex rather than their gender identity. HB2 has cost North Carolina over \$400 million as businesses take a public stance against the law

by pulling their patronage out of the state (Abadi, 2016). Our continued efforts over those few months, January – March 2016, meant working with coalition partners to stand united in Tallahassee, gathering important stories of individuals and business leaders who are affected by the way the current bill stands, having SB120 heard, and ending our legislative session having educated committee members on the consequences of not passing SB120.

Having Our Voices Heard

Since 2004, Equality Florida has been working to pass a statewide nondiscrimination law that would protect LGBTQ+ individuals. It is not always an easy feat to gain public support, shift political opinion, and stay patient to play the long game when it comes to fighting for equal rights. But EQFL built lasting relationships, had difficult conversations, and invested in the people who would eventually hear FBCW.

The legislative hearing that we had worked for took place on Feb. 9, 2016. As the public filed into the room, people wishing to speak for or against SB120 filled out a form in order to be called on when the time came. SB120 was first introduced by its sponsor, Sen. Joseph Abruzzo (D - Wellington), and the committee began asking questions and seeking clarification on specific aspects of SB120. It was during this portion of the hearing that the depths of ignorance and transphobia became publically apparent. Sen. Jeff Brandes (R-St. Petersburg) asked, "This bill would allow an anatomical male to undress as a public accommodation in a gymnasium?" He was not the only one to ask off topic and irrelevant questions demonstrating appalling lack of education on the part of elected officials sworn to serve the public.

After the committee was satisfied with the answers to their questions, the floor was opened to public opinion. This period of the hearing is always difficult as the public is not necessarily any better educated on the topic or the language of the bill being heard. In the case of LGBTQ+ issues, the opposition attempted to dominate this public time as a tactic to keep pro-equality speakers from being heard and to run out the clock as the committee will usually have another bill to be heard. The hearing for SB120 was no different. While our hard work had paid off and we had our experts, business leaders, and

pro-equality faith leaders speak in support of SB120, the opposition was there in full force. They employed their favorite tactic of speaking on behalf of Jesus Christ: “I’m here on behalf of Jesus Christ our lord and savior to speak against this bill” was a common introduction. Instead of using fact or any form of logical argument, these speakers from our opposition would mention their “congregation of 42,000 voters” and go on to use the lectern to give a sermon of hate, fear, and ignorance. Meanwhile, members of the LGBTQ+ community were forced to sit patiently hoping for an opportunity to speak on their own behalf. In the room during the hearing were pro-equality organizations and leaders such Nadine Smith, CEO of Equality Florida; Carlos Guillermo Smith, lobbyist for Equality Florida; Republican Operative Patrick Slevin, campaign manager for the Florida Businesses for a Competitive Workforce Coalition; and faith and business leaders from across Florida to speak in support for modernizing the current state nondiscrimination law.

In the end, SB120 failed in the Senate in a 5-5 tie. Opposition to the bill was led by Senators Jeff Brandes (R- St. Petersburg), Lizbeth Benacquisto (R- Fort Myers), Kelli Stargel (R- Lakeland), and Wilton Simpson (R- New Port Richey) “who appealed to irrational fears and invoked the same bathroom arguments fueling discrimination in North Carolina and dehumanizing transgender people in particular” (Link-Hayes, B., 2016). In the House, Economic Affairs Chair Jose Oliva (R- Hialeah) refused to hear the House version, HB45 at all, despite leadership having demonstrated its willingness for the bill to move forward. The final vote, although a “fail,” was not a loss. The Senate Committee vote ended with five “nay” votes from Republican committee members, and five “yea” votes from three Democratic and two Republican committee members. EQFL

will continue these conversations up to and during the 2017 legislative session, allowing EQFL leadership and advocates to move committee members to do the right thing and vote on the right side of history.

Policing Queer Bodies

If there is one thing someone within the LGBTQ+ community would notice about being in the Capitol during a legislative session is that it is not a queer friendly space. Currently in Florida, there is only one openly gay legislator in Tallahassee out of 160. This leaves 159 legislators making decisions on behalf of a community that they may know little to nothing about. From my experience working on policy and observing conversations regarding LGBTQ+ bills and protections, too many of our representatives need an LGBTQ+ 101 course before they should be allowed to make any decisions regarding LGBTQ+ communities. There are many resources available in legislators' own communities, including EQFL, among others. During our 2016 legislative session on SB120, EQFL spent a majority of its time during the hearing simply educating the committee on language. I am by no means saying committee members need to be an expert on all things LGBTQ+, but it is their responsibility to take the time to read the bill, ask questions about the language ahead of time, educate themselves, and be prepared to discuss the actual bill being presented. If terms such as gender, gender identity, and sexual orientation are unfamiliar or are hard to grasp, elected officials should do their due diligence to research and understand that experts included that language in the bill for a reason: Inclusion. Members of the committee got off track several times and started bringing up their concerns with bathrooms and locker rooms. Neither had anything to do with the bill being discussed. Gina Dunkin, EQFL's transgender inclusion director, spent her time giving a lesson on gender pronouns for transgender individuals and then debunking bathroom myths. She asked committee members to pause and think of when they decided what their gender would be. She laid out the idea of gender-identity and

explained the importance of leaving a loose definition of gender-identity in the bill, so as not to further discriminate by forcing individuals to qualify their gender-identity in order to be protected. Having an open definition is inclusive of everyone, which is important because individuals can identify as transgender or gender nonconforming without medical intervention. Again, all of this had nothing to do with the Competitive Workforce Act.

Policing LGBTQ+ bodies and individuals through legislation is troubling to me. Over the last several decades, case after case has been heard and law after law passed in order to ensure the *oppression and discrimination* against LGBTQ+ people. Legislation such as Don't Ask Don't Tell (DADT) instituted by the Clinton Administration in 1994, which forbid military officials from actively investigating accusations of homosexuality, but left in place the overall ban on gay service members in the military. This piece of legislation forced gay members of the military to stay closeted for fear of being discharged. The Defense of Marriage Act (DOMA) enacted Sept. 21, 1996, is a United States federal law that defined marriage for federal purposes as the union between one man and one woman, and allowed states to refuse to recognize same-sex marriages already recognized under the laws of other states (Authenticated U.S. Government Information, *n.d.*). Anti-sodomy laws, which have been eliminated in most states, are still on the books in over 14 states, the majority of which are in the Bible belt, including Alabama, Florida, Idaho, Kansas, Michigan, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Utah (USA Today, 2014). This type of legislation continues to police LGBTQ+ and gender nonconforming individuals, couples, and families by passing laws that make it permissible for people to discriminate, harm, harass, and even

kill LGBTQ+ individuals. In North Carolina, House Bill 2 (HB2), The Public Facilities Privacy and Security Act, passed in March 2016. HB2 requires anyone using bathrooms in public schools and agencies to use only those designated for the sex noted on their birth certificates, thus barring transgender employees and students from using the bathroom consistent with their gender identities (Epps, 2016). In Wisconsin, transgender youth are being forced to wear lime green bracelets to school in order “to more easily monitor and enforce these students’ restroom usage” (Duffy, 2016). One is reminded of Nazi Germany requiring Jews to wear a gold star so they could be easily identified, which singled them out for discrimination and in the end, massacre. In 2015 advocates tracked at least 21 murders of transgender people across the country in states such as, Texas, California, Louisiana, Florida, Maryland, Kansas, Ohio, Mississippi, and Alabama. These murders, “fatal violence,” were committed by partners, acquaintances, and strangers (Human Rights Campaign, 2016). As of June 2016, there had already been 21 deaths reported, and there was still six more months in the year. These transgender individuals were fatally shot, stabbed, and killed by other violent means (Human Rights Campaign, 2016). Is there a connection between protections or lack thereof and the way marginalized communities are treated? If our government and representatives do not support rights and protections for all, they are sending a message that murder, hate crimes, and violence towards certain individuals is acceptable. Harmful policy breeds and justifies hate.

Onward!

With each win comes pushback, but that does not burn out an advocate's flame. In fact, it makes us stronger, more determined, and eager to change more hearts and minds by sharing our stories. Although my internship is complete and the 2016 legislation session has come to end, the work continues.

In December 2016, I graduate with my master's degree in Women's and Gender Studies and a master's certificate in Nonprofit Management. Then I am moving back to California, where this all started for me. I am currently an apprentice with the Freedom for All Americans LGBT-U Apprenticeship program. "LGBT-U is a new and innovative training program to develop and support current and future nondiscrimination campaign leaders and staff" (Freedom for All Americans Educational Fund, 2015). I look forward to continuing my LGBT-U apprenticeship, joining a nondiscrimination campaign in 2017, and passing important laws and protections so that all Americans can live their lives safely as their "authentic selves," as we say in the movement, in states and a country that grants them the full status of rights and protections of all citizens. Post Nov. 8, 2016, this work becomes even more important. Onward!

Epilogue: June 12, 2016

Today, six months after the Pulse Night Club shooting in Orlando, Florida is still grieving the loss of the 49 victims. Those working in the LGBTQ+ movement, as well as pro-equality Floridians, are waiting for Florida legislators to pass important protections for the LGBTQ+ community and to stop putting LGBTQ+ Floridians at risk in the state that they love. Modernizing the Florida Civil Rights Act of 1992, the state's current nondiscrimination policy, to include gender identity, gender expression, and sexual orientation would provide statewide protections for all Floridian's in housing, public accommodations, and in the workplace. In the wake of Pulse, advocates, LGBTQ+ individuals, and allies wanted to lend support to the victims in the hospital by donating blood. Due to the FDA's ban on gay men donating blood, loved ones, boyfriends, and partners could not donate to those in need. Equality Florida and advocates are working to change this law. LGBTQ+ students and youth have become the target for those opposed to LGBTQ+ equality, and there is little education about inclusion and the needs of LGBTQ+ students throughout Florida.

Through the Safe and Healthy Schools campaign, Equality Florida is working with local and statewide school boards, educators, and parents in an effort to pass comprehensive safe school initiatives for LGBTQ+ youth to ensure the safety and respect for all students. EQFL is making sure no transgender or gender nonconforming student is forced to wear a wristband or forced into the bathroom that they do not identify with. TransAction was formed in 2014 by EQFL for the purpose of developing a statewide transgender inclusion initiative. TransAction has become a force to be reckoned with as Gina Dunkin, transgender inclusion director for EQFL, continues to push for transgender

inclusion across the state. Duncan speaks at local school board meetings, and at colleges and universities, and other schools across the state.

In the first 10 weeks of 2016, activists and advocates battled over 200 anti-LGBTQ+ pieces of legislation in 34 states across the country. Included in these harmful pieces of legislation were what we in the movement call “pastor protection” or “religious freedom” bills. The people presenting these bills are people of faith who fear their religious freedoms are being attacked and taken away, even though their religious freedom is already protected by the First Amendment of the Constitution (Cornell University Law School, n.d.). These so called “pastor protection” and “religious freedom” bills would allow individuals and businesses to discriminate outside their places of worship, meaning, if passed, homophobic people under the guise of religious freedom could discriminate against LGBTQ+ people in the three areas of their life that they spend the most time in: the workplace, public accommodations, and housing. Many think marriage equality covers these protections, but currently in Florida and in many other states across the country, there are no statewide non-discrimination laws. Expanding these thinly veiled hate laws would be detrimental to LGBTQ+ Floridians and their families. “Bathroom bills” are another incredibly harmful form of legislation disguised to force transgender and queer identifying individuals to use the restroom that matches birth assignment. Again, this is problematic when dealing with those in charge of creating our policies if these people do not have the basic understanding of gender, gender identity, and gender expression. Why should LGBTQ+ individuals have to put their lives and safety in the hands of people who have the least amount of knowledge about their lives? This is why electing pro-equality candidates is crucial to the change we

all must make as we continue to push to modernize the Florida Civil Rights Act of 1992, implement safe school initiatives, and prevent discriminatory bathroom bills from passing. Having pro-equality candidates in positions of power facilitates favorable outcomes for inclusive legislation. With the 2016 election approaching, and with increasing pushback from those who oppose equal treatment for all, we must continue to share our stories with friends and family, have those uncomfortable conversations with politicians and representatives, and continue to stand together to create change!

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