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November 16, 2023

Chair Teresa Jacobs
Orange County Public Schools
445 West Amelia Street
Orlando, Florida 32801

Re: Interpretation of Section 1000.071, Florida Statutes, Regarding Personal Titles and Pronouns

Chair Jacobs:

I received your letter in which you expressed confusion about the recently passed law regarding personal titles and pronouns. Because the statute is clear, I think I can easily help clear things up.

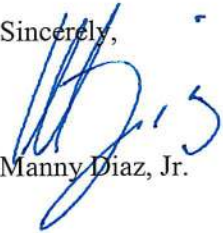
Your confusion seems to be with the first subsection of the law: section 1000.071(1), Florida Statutes. That subsection is a statement of statewide policy. It conveys a matter of truth that, until the past few years, was evident to all, namely that “a person’s sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person’s sex.” If that subsection prohibits anything, it simply prohibits public educational institutions like the Orange County School District from proclaiming as true what is false regarding a person’s biological sex.

More specifically, your confusion comes from your misinterpretation of the word “false.” You say that “some have interpreted” the first subsection to “prohibit” an employee or student from “using someone else’s preferred pronoun.” But there’s a stark difference between something being false and something being prohibited. I’m unsure how those two could be confused. In fact, the First Amendment protects a multitude of false statements. I believe clearing up this misinterpretation solves the rest of your problems.

As you stated, subsection (2) prohibits employees and students from being required to refer to others by false pronouns. Subsection (3) prevents employees from telling students that the employee uses false pronouns. And subsection (4) prevents employees from asking students what pronouns they go by.

In sum, the statute prohibits people from being forced to refer to others by false pronouns, and it prohibits school district employees from taking an active role in exposing students to these falsities.

Sincerely,



Manny Diaz, Jr.