



April 29, 2024

Via Electronic Mail: GovernorRon.DeSantis@eog.myflorida.com

Office of Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: Supporting Your Rejection of the Biden Administration's Proposed Title IX Changes

Dear Governor DeSantis:

Founded in 2021, Citizens Defending Freedom ("CDF") is a non-profit organization that strategically employs county-level chapters across America to help citizens fight for transparency and accountability in local government and schools. We also work to safeguard the constitutional rights of citizens from any and all infringements upon their civil liberties pertaining to speech, safety, moral conscience, and religious expression, among others.

On behalf of CDF, we would like to commend you for your timely and courageous response to President Biden's unlawful attempt to imperil Florida schoolchildren by expanding Title IX to implicate, among other identity categories, sex stereotypes, sexual orientation, and gender identity. This appreciation for your leadership is informed by CDF's longstanding dedication to educating parents, educators, and concerned citizens alike about the Department of Education's proposed Title IX changes. Prompted by the weaponization of the U.S. Supreme Court's 2020 *Bostock v. Clayton County* (590 U.S. 644) decision by both the Biden Administration as well as progressive organizations such as the American Civil Liberties Union that sought to pressure school boards to change their policies to conform to the unconstitutional Title IX changes, CDF developed a Title IX Toolkit that has subsequently been employed to successfully dissuade educational institutions from implementing policies inconsistent with the original intention of Title IX to protect women and girls from discrimination.¹ Although the Supreme Court in *Bostock* was limited to Title VII employment-related

¹CDF's Title IX Toolkit, originally consisting of a Fact Sheet, Timeline, and Script, and designed to empower and educate parents, school boards, educators, and citizens alike, can be accessed at citizensdefendingfreedom.com/toolkits. For an example of CDF's initiative on this, see Fox News's story on our work titled, "Texas school district bans transgender bathroom and pronoun policies to 'protect kids and educators,'" detailing CDF's role in successfully encouraging Texas's Keller Independent School District ("ISD") to uphold their policies that otherwise prohibited the use of bathrooms and pronouns in disagreement with biological sex despite receiving pressure from the ACLU to

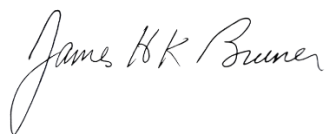
discrimination, this has not stopped ideologically motivated bureaucrats from misapplying the case to guide this latest unconstitutional effort to amend federal law at the exclusion of congressional review. This is in clear violation of the Administrative Procedure Act, the Major Questions Doctrine, and other fundamental legal authorities, including the June 2022 U.S. Supreme Court decision, *West Virginia v. EPA* (142 S.Ct. 2587), which affirmed the notion that a federal agency may not implement sweeping expansions of regulatory power in the absence of explicit congressional authorization.

Additionally, your commendable commitment to oppose these unlawful Title IX modifications reinforces the observations made by the 11th Circuit Court of Appeals in *Adams v. School Board of St. John's County* (2022) regarding the obligation of federal officials to uphold the statutory intention of the law that accords with the "plain meaning of sex" that was understood to be both biological and binary at the time of Title IX's original drafting in 1972. We would urge your office to rely upon this decision to further direct your response to the proposed rule changes, as this decision also determined that a Florida school board had a legitimate privacy interest and objective in rejecting proposed modifications to its policy to include sexual orientation and gender identity and therefore, did not violate the rights of a student who claimed to be transgender by separating school bathrooms based on the biological sex of students.

Finally, as you continue to fight back against this latest plight of regulatory lawlessness, please know that CDF, motivated by our deepest approbation for your efforts, is eager to support your administration however we can, including but not limited to participation in amicus curiae briefs and the activation of CDF's engaged local leadership bolstered by grassroots support.

Once more, we thank you for your faithful adherence to establishing the rule of law not only in the state of Florida, but for standing as a model example to which our entire county can and should aspire.

Very Respectfully,



James H.K. Bruner
Florida Director
Office of Legal Affairs



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cc:

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