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Lawsuit Challenging Florida's Anti-Protest Law Will Move Forward

TALLAHASSEE, Fla. — Yesterday, a federal judge allowed the lawsuit challenging Florida's anti-protest law, H.B.1, to move forward. The claims, filed by civil rights groups, allege racial discrimination and First Amendment violations against Governor DeSantis, Leon County Sheriff Walt McNeil, Jacksonville Sheriff Mike Williams, and Broward County Sheriff Gregory Tony. Among other things, H.B.1 risks criminalizing peaceful protest, discourages people from protesting, and otherwise infringes on First Amendment rights.

The American Civil Liberties Union (ACLU) of Florida, NAACP Legal Defense and Educational Fund, Inc. (LDF), and Community Justice Project (CJP), with Akin Gump Strauss Hauer & Feld LLP serving as counsel, filed the lawsuit in May in the U.S. District Court for the Northern District of Florida to block key portions of H.B.1 on behalf of Black-led organizations: The Dream Defenders, The Black Collective, Chainless Change, Black Lives Matter Alliance of Broward, the Florida State Conference of the NAACP, and the Northside Coalition of Jacksonville.

In response to the decision, counsel and plaintiffs released the following joint statement:

"H.B.1 is a direct backlash against the nationwide and local protests demanding justice for Black lives. It is designed to target Black organizers and others calling for much-needed change in this country's public safety practices. Protesting is key to any democracy – it is how we make our voices heard. Any efforts to silence protests must be stopped and condemned. We are pleased that yesterday's ruling means our case is moving forward, and we are steadfastly committed to protecting the right to peacefully protest for Black lives."

In his decision, Judge Walker highlighted plaintiffs' allegations regarding Governor DeSantis's inflammatory statements about Black Lives Matter protests and noted that they "are highly relevant to establish an inference of discriminatory purpose" in the enactment of H.B.1. He continued, "Here, the Governor allegedly proposed legislation with the purpose of discriminating against Black protestors, which the legislature then enacted in the form of H.B.1."

In July, the ACLU of Florida, LDF, and CJP filed a preliminary injunction motion to enjoin one of the law's central provisions, which they allege may be used to hold people criminally responsible for participating in a protest merely because unrelated individuals commit acts of violence or other crimes while attending the same protest. As a result of the law's vague and overbroad language, the state has effectively chilled the speech of the Black-led organizational plaintiffs and silenced dissent. The court will hold a preliminary injunction hearing on August 30, 2021 to decide whether to block enforcement of this provision.

A copy of the August 9, 2021 decision allowing the lawsuit to move forward is available [here](#).

A copy of the motion for preliminary injunction is available [here](#).

Read the lawsuit challenging H.B.1 [here](#).

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