

For Immediate Release

Thursday, June 20, 2024

Media Contacts

Legal Defense Fund (LDF), media@naacpldf.org

ACLU of Florida Media Office, media@aclufl.org

Community Justice Project, nadege@communityjusticeproject.com

Akin Gump Strauss Hauer & Feld LLP, srichmond@akingump.com

Florida Supreme Court Issues Decision Confirming that Anti-Protest Law Cannot Be Used to Prosecute Non-Violent Protestors or Bystanders

Today, the Florida Supreme Court issued a decision interpreting a key part of H.B. 1, the Florida anti-protest law enacted in 2021 in response to national protests against police violence and in support of racial justice. The Court held that the law's imposition of criminal liability on individuals who participate in a "riot" must be interpreted so as not to apply to non-violent protestors or bystanders. This decision effectively maintains the status quo that has been in place since 2021, when a federal court entered an order prohibiting enforcement of the statute that would have allowed for non-violent protestors to be subject to criminal liability.

The Florida Supreme Court's decision represents a monumental victory for protestors who have been chilled by government officials' past threats to crack down on Floridians who wish to speak up about injustice.

In May 2021, Plaintiffs 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 [filed a lawsuit](#) alleging that the vague and broadly worded anti-protest law violates the First and Fourteenth Amendments of the United States Constitution. The Plaintiffs explained that the law chills protected speech and criminalizes protest activity in an effort to suppress the voices of Black-led organizations seeking racial justice. The Plaintiffs are represented by the [Legal Defense Fund \(LDF\)](#), [American Civil Liberties Union \(ACLU\) of Florida](#), [Community Justice Project \(CJP\)](#), and [Akin Gump Strauss Hauer & Feld LLP](#).

In response to today's decision, the Plaintiffs and their counsel released the following joint statement:

"H.B. 1 threatened to upend the lives of Floridians, especially Black Floridians, who would have been criminalized and targeted simply for exercising their First Amendment rights and standing up for what they believe in. The advocacy of plaintiff organizations

throughout this legal battle has been critical to ensuring the rights of all people to exercise their First Amendment rights. Today’s decision provides important legal protections that will benefit anyone who wants to take a public stand to demand racial justice, as well as all Floridians who want to non-violently demonstrate for what they believe without fear of reprisal.”

In 2021, a federal trial court [issued](#) a preliminary injunction blocking Governor DeSantis and certain local officials from enforcing key provisions of the anti-protest law. After Governor DeSantis and former Duval County Sheriff Mike Williams appealed that decision, the U.S. Court of Appeals for the Eleventh Circuit kept the injunction in place last year while it solicited the authoritative views of the Florida Supreme Court about how to interpret the law.

Today’s decision from the Florida Supreme Court clarifies that the riot definition cannot be read to apply to non-violent protestors or bystanders. It thus provides important protections to Floridians wishing to exercise their First Amendment rights, and accomplishes the key goal of Plaintiffs’ critical advocacy against this law: ensuring that state and local authorities cannot prosecute protesters for non-violently demonstrating for racial justice. The decision also returns the case back to the Eleventh Circuit Court of Appeals for further proceedings.

For additional comments from Plaintiffs, please reach out to the media contacts listed above.

* * *

During the course of this litigation, Ben Frazier, a dedicated Florida civil rights leader and founder of Plaintiff Northside Coalition of Jacksonville, passed away. His devotion to this fight and many other struggles for justice will outlive him.