



## New Complaint Challenges Limits to Corporate Speech Enacted by Florida's 'Stop WOKE Act'

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On Wednesday, three private companies filed a complaint in the U.S. District Court for the Northern District of Florida, alleging that the state's "Stop WOKE Act" violates the First Amendment rights of corporations to discuss certain concepts in workplace trainings. The plaintiffs—Honeyfund, Whitespace Consulting, Collective Concepts, and diversity trainer Chevara Orrin—say that workplace trainings with a "diversity, equity, and inclusion" focus are invaluable to their businesses and that a law banning them as illegal harassment violates their First and 14th Amendment rights.

The Individual Freedom Act, more commonly known as the "Stop WOKE Act," was signed into law by Florida Gov. Ron DeSantis in April. It prohibits companies from making someone's employment conditional on attending any training that "espouses, promotes, advances, inculcates, or compels such individual to believe" certain divisive concepts about race and gender. For example, the law prevents employers from requiring trainings that say an individual's race or sex makes them "inherently racist, sexist, or oppressive, whether consciously or unconsciously."

The law was hailed by DeSantis as a victory against "woke" indoctrination: "In Florida, we will not let the far-left woke agenda take over our schools and workplaces. There is no place for indoctrination or discrimination in Florida." State Senate President Wilton Simpson (R–Spring Hill), offered similar praise, claiming in an April press release that "this bill protects our individual freedoms and prevents discrimination in public schools and the workplace."

Opponents of the bill, however, say it restricts speech and unnecessarily broadens the definition of illegal harassment to infringe upon protected speech concerning race and gender. "The Governor is determined to tell Floridians what they can say, what they can learn, what they can teach, what they can believe, and who they can be," said Cathryn M. Oakley, State Legislative Director and Senior Counsel for the Human Rights Campaign. "Yet again, DeSantis is putting his ideology before the best interests of Floridians, and making a mess with slapdash, mean-spirited, impossible-to-comply-with law."

The complaint filed Wednesday takes a similar approach by arguing that "the defining feature of the American constitutional system of government is that the government cannot establish orthodoxy of thought, either by mandating certain beliefs or by prohibiting disfavored ideas. The State of Florida has blatantly violated these fundamental values of democracy, requiring swift and decisive action by this Court." The complaint says that the law "aims to forward the government's preferred narrative of history and society and to render illegal speech that challenges that narrative."

Further, the complaint notes the particular restrictions the law places on private businesses. Plaintiffs say the law "seeks to muzzle independent institutions, including businesses, that are or might become centers of dissent. And, in doing so, it attempts to direct public outrage toward disfavored minorities."

Legally, the complaint's objection to the law appears to hold water. "The law functionally picks a side in the ongoing cultural debate over the existence or prevalence of racism and then prohibits companies from taking the opposite side," says Paul Matzko, a research fellow at the Cato Institute. It essentially forces private companies to adopt—or at least not object to—the state government's views on racism and sexism. While the government has some role in setting public school curricula, it is far more constrained in determining what private companies tell their employees.

"It was not that long ago that conservatives were the ones complaining about universities having an obsession with erecting 'safe spaces' on campuses to stop microaggressions from retraumatizing delicate students." Matzko continues. "And yet, now Ron DeSantis...is trying to turn the entire corporate economy into a safe space."