



News

Andrew Gordon and Lauren Swanson Review What the Preliminary Injunction Against Florida's "Stop W.O.K.E. Act" Means for Employers

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Andrew Gordon and Lauren Swanson authored a *Daily Business Review* byline discussing the Eleventh Circuit Court's recent decision to uphold a preliminary injunction against a key part of Florida's Individual Freedom Act, known as the "Stop W.O.K.E. Act."

This law, enacted in 2022, sought to prevent workplace training that endorses certain views related to race, sex, and national origin, which bill sponsors suggested can create a hostile work environment.

Gordon and Swanson discuss how the law faced legal challenges for being unconstitutionally vague and restricting free speech under the First Amendment. As a result of the court ruling, Florida employers are no longer limited by this Act in conducting mandatory diversity, equity, and inclusion (DEI) training programs.

The Act previously placed employers at risk of severe penalties if their DEI training resources were found to promote any of eight specific concepts deemed discriminatory under the law. This ruling means employers can resume previous DEI training practices without concern for violating the Act. However, employers must still ensure their programs do not discriminate based on protected characteristics under other anti-discrimination laws.

While this decision marks a significant moment for DEI programs in Florida, it is based on the injunction and not a final ruling on the constitutionality of the law itself. Gordon and Swanson recommend that Florida employers continue monitoring the legal landscape as the case may proceed to further review or appeals.

[Read the full article](#) (*subscription may be required*).

- "11th Circuit Rules Portion of Fla.'s Stop W.O.K.E. Act Unconstitutional: What the Ruling Means for Fla. Employers" was published by the *Daily Business Review* on May 7, 2024.

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