

University of Central Florida

STARS

Honors Undergraduate Theses

2024

The Battle Over Diversity, Equity, and Inclusion and Critical Race Theory in Florida: A Case Study on the Stop W.O.K.E. Act

Grace Anne Castelin

University of Central Florida, gr966319@ucf.edu



Part of the African American Studies Commons, Civil Rights and Discrimination Commons, Conflict of Laws Commons, Cultural History Commons, Curriculum and Instruction Commons, Curriculum and Social Inquiry Commons, Education Law Commons, Ethnic Studies Commons, Feminist, Gender, and Sexuality Studies Commons, First Amendment Commons, Fourteenth Amendment Commons, Higher Education Commons, Law and Politics Commons, Law and Race Commons, Law and Society Commons, Legal Commons, Legislation Commons, Political History Commons, Political Science Commons, Public Affairs, Public Policy and Public Administration Commons, Public History Commons, Social History Commons, and the Social Justice Commons

Find similar works at: <https://stars.library.ucf.edu/hut2024>

University of Central Florida Libraries <http://library.ucf.edu>

This Open Access is brought to you for free and open access by STARS. It has been accepted for inclusion in Honors Undergraduate Theses by an authorized administrator of STARS. For more information, please contact STARS@ucf.edu.

STARS Citation

Castelin, Grace Anne, "The Battle Over Diversity, Equity, and Inclusion and Critical Race Theory in Florida: A Case Study on the Stop W.O.K.E. Act" (2024). *Honors Undergraduate Theses*. 52.
<https://stars.library.ucf.edu/hut2024/52>

**The Battle Over Diversity, Equity, and Inclusion and Critical Race Theory in Florida: A
Case Study on the Stop W.O.K.E. Act**

Grace Castelin

A thesis submitted in partial fulfillment of the requirements
for the Honors Undergraduate Thesis program in Political Science
in the College of Sciences
and in the Burnett Honors College
at the University of Central Florida
Orlando, Florida

2023-2024

Thesis Chair: Aubrey Jewett

ABSTRACT

Accelerating from 2022 and continuing through 2024, the state of Florida has experienced significant policy changes, particularly within the realm of higher education and affairs of diversity, equity, and inclusion (DEI). Many progressive officials, experts, and activists assert arguments that the state is on the verge of evolving into an authoritarian regime while many illiberal policies are being produced through the Florida legislature and current executive leadership—social and economic sectors are consequently threatened in order to maintain political oppression. The Stop W.O.K.E. Act has served as a catalyst for shifting the state's political stance on DEI, culminating in a chain reaction of similar forms of legislation which create serious ramifications onto civic life, creating a tense environment in the state. Along with suppression of DEI, academic freedom especially has been jeopardized with Florida's next line of students and instructors left to bear the consequences. The following research will contribute to theory and understanding, by analyzing the common misconceptions that revolve around nuanced terms such as “woke”, DEI, and CRT, while also examining how these influenced legislation in other states. This paper will also investigate precisely how the Act was enacted in Florida by conducting research on theoretical perspectives, governmental proceedings, discourse among officials, court battles, and impacts that can likely last for generations, leading to potential harms onto the nation as a whole.

TABLE OF CONTENTS

LIST OF FIGURES.....	4
INTRODUCTION.....	5
LITERATURE REVIEW.....	7
What is DEI?	7
What is CRT?	12
Controversy Concerning CRT.....	14
Additional Theories	16
Domestic Efforts.....	18
International Efforts.....	19
STOP W.O.K.E. ACT.....	21
Origin.....	22
Language and Mandates	23
Legislative Process	26
IMPACTS.....	29
Student Opposition	30
Federal Mandates.....	31
Stemming Legislation.....	32
COURT BATTLES.....	38
CONCLUSION.....	42
REFERENCES.....	45

LIST OF FIGURES

Figure 1: Difference between equality, equity, and justice.	12
Figure 2: Critical Race Theory Ban States 2024	18
Figure 3: Tweet of teacher adjusting to book bans in classroom library	36
Figure 4: Banned books in Florida school districts	37

INTRODUCTION

In the Summer of 2022, the political climate was transformed in Florida as the Individual Freedoms Act, or the “Stop W.O.K.E. Act” went into effect by virtue of elected officials. According to Governor Ron DeSantis, this acronym stands for “Stop Wrongs to Our Kids and Employees” (Staff of Governor DeSantis, 2021). The bill was signed into law by Governor DeSantis in April 2022 with enactment scheduled for July 2022. This law prohibits academic freedom within the teachings of institutional and structural racism, components of Critical Race Theory, promotes racial colorblindness, and attempts to restrict other initiatives pertaining to race, color, national origin, or sex—which is all that encompasses DEI. The language and implications of this law are quite vague as attempts to implement the law transpire, creating a chilling effect on faculty, administrators, and, consequently, students.

As lawsuits, student uprisings, and further measures of opposition have been undertaken, it is no debate that this law has sparked great controversy from all fronts. The thesis will seek out to answer the following research question: to what extent are diversity, equity, and inclusion being suppressed in Florida? The paper will contribute to addressing contemporary social issues by defining the fundamental concepts underlying the Act's objectives, while also addressing common misconceptions and theories. This will be performed through a literature review in which theoretical frameworks will be elaborated and applied to expand on previous research and debate on the topic from local, regional, national, and international perspectives. Following that, the methodology and research design of the paper will be presented. This section will discuss the tactical procedures used to collect and analyze the research. A case study on the Stop W.O.K.E. Act will then commence, focusing on the Act's origins, language and mandates, legislative processes and procedures, and applicability across various social and economic sectors. The

paper will then dive into the impacts produced as a result of the bill, followed by the court battles that have occurred or are now underway. The paper will conclude with a synthesis and evaluation of implications derived from the bill and its influence on current civil affairs. It will also explain how knowledge attained from this bill's investigation can contribute toward developing approaches or applications to inhibit future similar legislation from being enacted.

LITERATURE REVIEW

What is DEI?

To effectively grasp the ramifications of the Act, it is essential to have a full comprehension of all that encompasses DEI. DEI is an accepted acronym for diversity, equity, and inclusion. DEI originated in the 1960s from the Civil Rights Movement that focused primarily on racial identities but has “grown to include gender, sexual orientation, religion, country of origin, and other identities” (Lind, 2021). This expansion was seen through the advocacy of women’s rights, Hispanic/Latino rights, and the rights of individuals with disabilities. DEI initially maintained a focus on tolerance and integration of these various communities, subsequently expanding to multiculturalism and appreciation.

Before explaining the concept's full meaning, it is important to understand the origins of diversity. Diversity was first recognized as increased racial composition of groups that are not classified as “Caucasian”, especially in non-traditional settings. Due to restricting laws of the Jim Crow era of the late 19th and early 20th century, society barred people of color from central civic life—subjecting them to second-class citizens on the sidelines. Thus, measures of integration were necessary to begin rectifying the country into a true “more perfect union”. For example, President Harry S. Truman signed an Executive Order 9981, which banned segregation in the Armed Forces (National Archives, 2021). Nevertheless, it's crucial to recognize that this action primarily aimed to dissuade African Americans from resisting the draft (Evans, 2020). This arose as a significant concern after a prominent civil rights leader and union organizer, A. Philip Randolph, conveyed a credible threat to the President—rather than being primarily motivated by a commitment to expand DEI efforts. The integration of American institutions such as schools and workplaces was also an early step toward addressing the need for diversity as demonstrated

in the *Brown v. Board of Education* ruling. This case was based on an African American girl named Linda Brown, who was denied admission into a white elementary school (Edwards, 2004). The decision determined that "separate but equal" institutions were not truly equal, as schools accessible to children of color were objectively of poorer quality than those designed for white children. As a result, members of society were deprived of the Fourteenth Amendment's Equal Protection Clause, which declares "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...nor deny to any person within its jurisdiction the equal protection of the laws" (U.S. Const. amend. XIV). Thus, the need for racial integration was crucial. Yet, it is essential to note that the integration of schools was not immediate as it required a sustained effort to implement due to ongoing resistance. Another limitation of this ruling was the lack of any regulations to create more inclusive and equitable environments. However, this decision eventually paved the way for further advancements in DEI, including initiatives like diversity training and affirmative action, which will be discussed later.

Moreover, increased diversity efforts have "expanded to gender identity, sexual orientation, political affiliation, and other identifiers" (Love, 2020), creating room for expanding identities. In addition, the Equal Employment Opportunity Commission (EEOC) of 1965 was the trailblazer body focused on racial integration within established workplaces, encouraging employers to eliminate discrimination and open opportunities to diverse candidates (Selmi, 1996). The commission's influence is the primary reason companies release diversity data today. In fact, according to *The Fortune 500*, one of the leading indicators of corporate success is diversity (Employees, 2019). Therefore, within many fields, diversity became quickly associated with positive outcomes.

Regardless of the above information, DEI includes two more words that are typically attached, for diversity requires complementary elements for a greater impact. While diversity creates a community with individuals from different cultures, backgrounds, and identities, inclusion is necessary to ensure all groups are truly valued within the environment. To illustrate, even though the United States is home to a diverse range of distinct ethnic groups and cultures (often referred to as a "mosaic" or a "salad bowl"), additional initiatives and actions are required to create a more "just" nation—for the country was founded and built on many forms of oppression such as slavery, genocide of indigenous peoples, discrimination against women and immigrants, and countless other examples in which marginalization against minority groups occur. Thus, this element emphasizes the importance of actively creating spaces and opportunities for underrepresented groups to feel welcomed and embraced in various settings. Inclusion promotes the idea that "the value of humans should not be judged by what we can offer each other but rather by the idea that humans have inherent value simply by existing" (Love, 2020), indicating inclusion as a human right belonging to all of humanity.

Various methods of inclusion exist, with diversity education being a prominent mechanism. Diversity education began in the 1960s in response to the nation's historical roots, which had lingering repercussions in modern society. The purpose was to bring "a voice to the previously silenced America" (Love, 2020), as truths about the nation's past needed to be shared to avoid a repeat of history and to address contemporary systematic discrimination. As a result, many school districts have shifted toward imposing diversity instruction within their curriculum systems after the 1954 *Brown v. Board of Education* decision in hopes to improve intergroup relations (Johnson and Pak, 2019). Many workplaces today also include diversity training requirements within their onboarding process to ensure all employees are treated with respect

and empathy to avoid any discriminatory practices; this was a result of the Civil Rights Act of 1964, which barred racial discrimination (Civil Rights Act, 1964). Other means of inclusion with varying effort levels remain, such as companies providing arrangements for religious observances or celebrating and appreciating ethnic holidays and foods. Moreover, Timothy Clark highlights that Inclusion Safety, referred to as "species-based acceptance" is essential to fostering a community of security and appreciation for its members—creating recognition for a shared humanity (Clark, 2020). Nonetheless, while inclusion assumes that we treat each other equally once we're all present in these spaces, this is based on the false reality of an ideal utopian society. In truth, implicit biases and systemic structures exist in many contexts that offset impediments to minority life.

This brings us to the most recently introduced element of the framework--equity. The phrase was previously limited to "diversity and inclusion" until it grew apparent that the approach would not be sufficient to accommodate the widespread prejudice and discrimination that many minority groups continue to endure. Even though several laws have been enacted to address the oppression and discrimination that exist in this society, we cannot ignore the fact that many consequences from America's past remain. This includes systematic racism, institutionalized discrimination, individual implicit biases of system workers, and other features of Critical Race Theory (to be explained). Thus, proponents of equity argue that it is the government's responsibility to take additional steps to help balance the scales and induce justice. This would include affirmative action, which is defined as intentional admissions decision-making to prevent discrimination (The American Association for Access, Equity, and Diversity, 2019), scholarships for marginalized communities, and providing additional developmental resources to low-income communities. Affirmative action was initiated by President John F.

Kennedy's executive order, which initially addressed actual employment. It was later broadened by President Lyndon B. Johnson's executive order to encompass hiring and employment practices (University of California, n.d.). These policies led to expansion in equitable opportunities in higher education institutions as they aimed to ensure fair treatment during the admissions process.

It is critical to make the proper distinction between equity and equality. “Unlike equality, which focuses on providing equal resources regardless of context, equity focuses on the process of just and fair consideration because of someone's experience or specific social position” (Love, 2020). In other words, equality attempts to treat everyone equally, whereas equity virtually considers all factors to strive to achieve equal endpoints through different means and treatment. To clarify the reasoning, refer to the frame titled “Equality?” in **Figure 1**, which illustrates that even if everyone is treated equally and has equal access to resources, it is practically impossible for everyone to receive equal benefits since everyone has different starting points in our hierarchical and often discriminatory society. The frame titled “Equity” depicts a more effective system by placing and providing tools of systemic support based on needs with the goal of maintaining true equality and equal access to opportunities. Equity works toward creating new societal norms, practices, and procedures to ensure that all actors of society are given a chance to live and produce to their greatest and fullest potential, despite their background. Equity is a popular technique advocated by supporters of the neo-liberalist ideology, as they believe the government must intervene in civil life to promote, protect, and guarantee civil rights to each and every individual. While individualism is a valued principle of the neo-liberalist, it is understood one cannot achieve or enjoy true means of individualism without being free from the hands of discrimination from others.

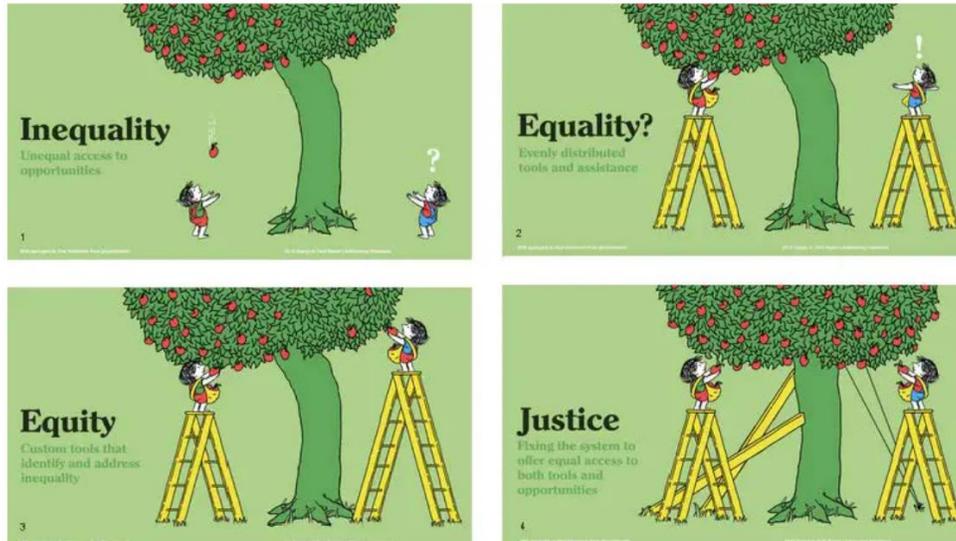


Figure 1: Difference between equality, equity, and justice.

Source: Paper Pinecone: <https://www.paperpinecone.com/blog/teaching-difference-between-equality-equity-and-justice-preschool>

DEI has become a popular mechanism used within many institutions, whether for workplace diversity trainings, further measures of inclusion within higher education, or even targeted initiatives from administrative branches such as bureaucracies or elected officials. As a result, DEI has become a popular way to demonstrate solidarity and support to underrepresented groups to further breach the gaps in a supposedly united but often divided state.

What is CRT?

Often discussed with DEI is the subject of Critical Race Theory (CRT), as its framework directly corresponds and further emphasizes the need for DEI. According to the NAACP Legal Defense Fund, CRT is:

An academic and legal framework that denotes that systemic racism is part of American society...recognizes that racism is more than the result of individual bias and prejudice. It is embedded in laws, policies and institutions that uphold and reproduce racial inequalities. According to CRT, societal issues like Black Americans' higher mortality rate, outsized exposure to police violence, the school-to-prison pipeline, denial of affordable housing, and the rates of the death of Black women in childbirth are not unrelated anomalies. (Legal Defense Fund, 2022)

Thus, the theory explains how societal inequities result from power structures built on racist principles and how these systems ultimately oppress individuals with intersecting social identities. The theory implies that due to the nature of the systems, individuals of color significantly encounter discriminatory experiences in comparison to their counterparts of the white race. The theory also helps to explain the phenomenon of why many social safety net programs created to protect the working middle class are now under threat of being eliminated, as the population of this social class is shifting to be primarily comprised of people of color (McGhee, 2022). Moreover, CRT was created in response to claims that societal institutions were "colorblind" or that the basis of race did not play a factor in the manner individuals were treated. Proponents of the theory claim recognition of such injustices helps "dismantle structural inequities and systemic racism... foundational to laws and institutions that exist today" (Legal Defense Fund, 2022), as the framework illuminates these underlying disparities. Nonetheless, there is considerable controversy surrounding the topic.

Controversy Concerning CRT

In recent years, CRT has become a nuanced buzzword and topic of high contention as it has been increasingly introduced to more spaces, especially in the political realm. Some Republican officials and conservative experts have criticized CRT to be a divisive ideology that encourages a victim mentality among people of color while placing perpetrator qualities onto white citizens, seeking to undermine American values of equality. Christopher Rufo is a conservative activist and writer who has been at the forefront of the recent debates about CRT, spearheading the rebranding of the term. In a Fox News interview, Rufo claimed CRT is "now being weaponized against the American people" and a "cult indoctrination" (Meckler & Dawsey, 2021). He has argued CRT teaches students the American government system is broken and inherently racist and should therefore be banned. Additionally, Rufo claimed the acceleration of CRT in K-12 public schools has "done something that no government should do, step between parent and child" (Staff of Governor DeSantis, 2021). Yet, this is a very paradoxical remark as supporters of the Act stand behind legislation in the Florida legislative session of 2024 that prohibits individuals under the age of sixteen from using social media, appearing as a pick-and-choose battle of when they wish to overstep parental boundaries.

Nonetheless, we have seen the term CRT used improperly in the political sphere on numerous occasions, grouping any activities that fall under diversity, race-related issues, or social justice. The term is commonly associated with a corresponding term, "woke", which is defined as "to hold an unretractable embodied consciousness and political identity acknowledging the oppression that exists in individual and collective experiences" (Ashlee, 2017). Many right-leaning individuals use the term "woke" in a condemning fashion, as Florida Governor Ron DeSantis has made the statement that Florida is the state where "where woke goes

to die” (Czachor, E, M., 2022). The 1619 Project, a Pulitzer Prize-winning work spearheaded by African American journalist Nikole Hannah-Jones, discussed topics of CRT, and was banned from multiple states to pause the “woke” ideology (Schwartz, 2021). Thereafter, Hannah-Jones’ application for tenure at the University of North Carolina was declined as punishment for publishing the work, despite the fact that tenure was normally awarded with the job she was given. Former President Donald Trump referred to the theory in the work as “a crusade against American history” and an “ideological poison that ... will destroy our country” (Anderson, 2021). Despite having few disagreements with the contentious publication, leading historians and scholars commended it, claiming the use of CRT brought "to light not only scholarship but all sorts of things that have to do with the centrality of slavery and racism to America" (Serwer, 2019). Therefore, the undeniable truth remains that CRT contributes immense value to the academic community.

With GOP officials claiming that it is being enforced, parents with conservative views have been attending school board meetings to petition for the ban of CRT in schools, as seen in Florida, Texas, and Arizona, even though many educators, school officials, and school districts argue the theory is not taught in K-12 (Reilly, 2022). Numerous right-leaning groups have also been created with the goal of disbanding CRT, such as Parents Defending Education, No Left Turn in Education, and Moms for Liberty. To further illustrate, Citizens for Renewing America, a Trump administration-founded organization, argued that the ideology is "a radical philosophy, rooted in Marxism" (Citizens For Renewing America, n.d.).

Regardless of the national debate and public condemnation of the theory, many educators and scholars contend that teaching about the role of race and racism in American history and society is crucial for students to understand, address, and potentially resolve issues of inequality

and social justice—maintaining that our history serves as the primary means through which we can learn and advance, whereas ignorance will cause society to return to its former ways.

Additional Theories

While the previous theories are most essential to the case study, there are additional theories that can be discussed to understand the motives behind the Stop W.O.K.E. Act. One theory popular among conspiracists is the racist Great Replacement Theory or White Replacement Theory, in which it is claimed “[liberal] elites are working to replace white people with minority immigrants in a ‘stolen America’” (Myers, 2021). The assertion of a “stolen America” is profoundly distorted, as American territory is fundamentally land that was stolen from Native Americans by white English migrants in the 19th century. Nonetheless, the theory claims that whites should fear the increasing non-white population and that their livelihoods and privileges will be threatened if they become the new minority. The theory also creates a higher degree of national polarization through fear of a “majority-minority” by the 2040s— a narrative that sets Americans against each other as one side must be a winner and the other a loser. Due to American settler-colonialism, a zero-sum relationship with people of color is inherently developed within the white demographic as they equate progress for white people coming at the expense of people of color—for the U.S. economy was built on the exploitation of people of color for land and labor (McGhee, 2022). Therefore, liberating people of color has been inextricably linked to taking away from white people due to these earlier systemic structures. This corresponds with the social identity theory, defined as an “individual’s knowledge that he belongs to certain social groups together with some emotional and value significance to him of

this group membership” (Tajfel, 1972, p. 292). Individuals will thereby act and advocate with motives to benefit their ingroups with negative feelings and unconscious biases toward outgroups—creating an even deeper divide in America.

Another theory the Stop W.O.K.E. Act corresponds to is privilege theory. This theory “is the idea that we all have various levels of privilege which comes from our personal experiences in life based on our identity” (Gill, 2014). Therefore, the closer you are to a particular race, sexual orientation, class, or gender, the more privilege you possess. In Western civilization, individuals with the most privilege tend to be white men who are heterosexual and wealthy, referring to the term “white privilege”. This approach counteracts the Black privilege theory developed in response, defined as “a unique set of social experiences and entitlements that accompany middle-class status as blacks experience it” (Claytor, 2020); a response supported by proponents of the Stop W.O.K.E. Act as it claims Black people have particular advantages in terms of remedy against discrimination, or further permissions to do things without being perceived as racist. This notion, however, ignores the reality many people of color experience as the "privileges" that distinguish Black people from whites are simply reactions to the disparities and injustices the marginalized group continues to suffer, with no true means of rectification. Additionally, privilege theory asserts that to avoid contributing to the issue of oppression, one must "check their privilege" or be aware of their own privilege. Feminist scholar Peggy McIntosh’s “White Privilege: Unpacking the Invisible Knapsack” publication presents clear ways to observe the mechanisms of privilege in one’s own life (McIntosh, 1990). As is often declared, silence and inaction are complicity.

Domestic Efforts

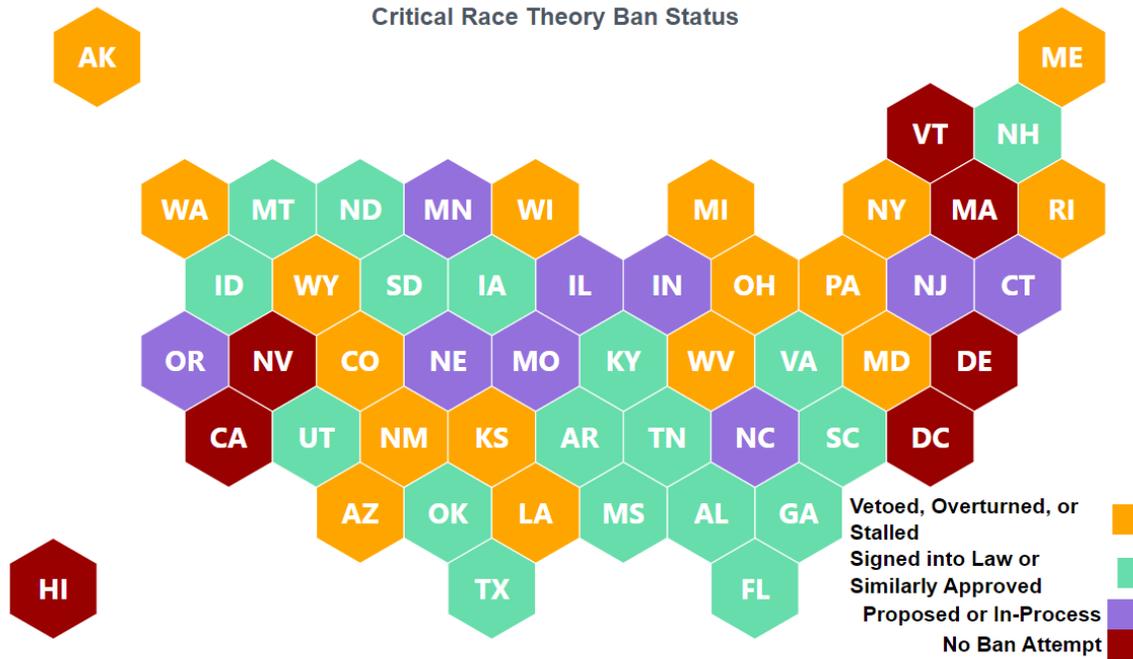


Figure 2: Critical Race Theory Ban States 2024

Source: World Population Review <https://worldpopulationreview.com/state-rankings/critical-race-theory-ban-states>

As seen in the figure above, there are multiple states that have followed Florida's lead, or were already on the CRT banning train. In fact, the ACLU found:

To curtail efforts to expand instruction and materials about racial justice and our discriminatory history, 45 states introduced bills to limit instruction about racism and sexism. These bills, essentially education gag orders, passed in 17 states. By January 2022, 35 percent of all primary and secondary (K-12) students, or 17.7 million students, attended school in districts that experienced some form of a local campaign to end “critical race theory” in classrooms. To date, almost 700 efforts to exclude “critical race

theory” have been identified at the local, state, and federal levels. Last year, nearly 40 percent of classroom censorship bills targeted higher education. (Watson, 2023)

In addition to CRT bans, other states have been actively implementing policies to limit DEI. For example, in February 2023, West Virginia introduced a bill to “ban public colleges from engaging in diversity, equity, and inclusion activities, including mandatory diversity training or efforts to manipulate or influence ‘the composition of the faculty or student body with reference to race, sex, color, or ethnicity’” (Lu, 2023). Texas also introduced a bill in 2022 to prohibit funding or promotion of offices that support DEI goals. These legislative actions demonstrate the ongoing trend to implement anti-DEI initiatives across the country, feeding into the controversial debates and furthering the political agenda of Florida.

International Efforts

Brazil

Moreover, there have been various international attacks on academic freedom, such as what Brazil has seen under President Jair Bolsonaro’s campaign. Similarly to the negative connotation placed on critical race theory, he promotes the removal of Freire's pedagogy (which he claims is Marxist) from Brazilian schools through his campaign. “According to Freire, educating works either as a form of integration and conformity to a system of oppression or as a practice of freedom, in which individuals critically deal with their reality and discover how to participate in transforming their world,” asserting that a neutral education is an idea of the

imagination (Pele & Assy, 2019). Bolsonaro attempted to enact "Escola sem partido", translated as "school without party" legislation, aiming to eliminate any rhetoric of cultural socialism or gender ideology from classrooms and directing students to record their "indoctrinator teachers." Nonetheless, the legislation was declared unconstitutional by the Brazilian judiciary on the basis of violating academic freedom and the right to equality.

United Nations

Whether in response to Florida initiatives or otherwise, the United Nations (UN), a body dedicated to the promotion and preservation of fundamental human rights, has been quite active in preserving civil rights for the target minority group of the Stop W.O.K.E Act and anti-CRT initiatives—people of African descent. In August 2022, one month after the Stop W.O.K.E. Act was passed, the UN Office of the High Commissioner issued a report on racial justice and equality for Africans and persons of African heritage (OHCHR, n.d.). Though the timing of this report's release may have been coincidental, the purpose of this report appeared to be a direct response to the passage of this Act in history, as it calls on member states to implement measures that address and alleviate racial discrimination, providing 20 items for transformative change. However, this was not the body's first breakthrough resolution; in 2021, the Human Rights Council adopted Resolution 43/1, "encouraging States, the United Nations Organization, and others to take bolder steps to address long-standing human rights violations and achieve racial justice and equality" (OHCHR, n.d.). These reports indicate the UN intends to protect and maintain a global society that does not marginalize and oppress individuals of the African race, taking extra measures to underline the significance of preserving these civil and human rights. With these reports, it would be assumed that the Act would be repealed and legislation to reverse

its effects would be introduced. However, while the United Nations has supranational supremacy and the United States of America is a member state, the "UN cannot enact these itself and requires member states to take action when countries break resolution" (Duncan, 2021). While punishments, limited engagement, and shaming can be enforced, the organization has no legitimate actions to impose—which is why marginal change occurs in cases of human rights violations. Therefore, while a Floridian can petition the United Nations about the Stop W.O.K.E. Act, change is improbable.

METHODOLOGY

The design of this research is a qualitative case study approach that will be primarily conducted through a literature review with information collected from academic journals, reliable news articles, and media posts. Additional information will be derived from firsthand experiences as a student activist and organizer while maintaining concrete information from online resources. All sources will be analyzed and evaluated to reach a greater understanding of the Stop W.O.K.E. Act's affairs and its implications for the state of Florida and nation as a whole.

STOP W.O.K.E. ACT

After passing both legislative chambers, the Stop W.O.K.E. Act, otherwise known as the "Individual Freedoms Act" or House Bill 7 / Senate Bill 148. was signed in April 2022, and went into effect in July 2022. This Act was produced to curtail the "woke" ideology that many conservative officials, stakeholders, and agents believe is plaguing the nation's future generations. The Stop WOKE Act is a law with serious ambiguities to threaten and incite fear in

instructors from discussing topics regarding critical race theory, racial colorblindness, and other historical events rooted on racist discriminatory principles of America's history.

While this bill doesn't explicitly terminate the teachings of these valuable ideas, the vagueness and language of the legislation create implications that are more than suppressive, leading many instructors at Florida institutions with potentially conflicting classes to "water down" and remove content from their courses, or cancel them altogether—classes that sociology students and others pursuing related majors and minors are essentially losing access to." Also, though most of this paper addresses how the Act affects Florida colleges and universities, its mandates have been applied across different sectors such as K-12 education and business workplaces. Thus, many legal battles have arisen to address the Act's statutes, which will be further examined in subsequent sections of the paper.

Origin

After the 2020 Black Lives Matter protests succeeding the death of George Floyd, anti-discrimination laws emerged as Americans, especially those of the Black community, began to realize all the systemic injustices that continue to live in today's era. As a result, a bandwagon effect emerged as many public officials and bureaucracies began to favor policy reform to address grievances of the Black Lives Matter Movement. According to Mayhew's electoral connection theory, one plausible motivation for this was to secure their office seat, hoping to get electoral support from their constituents. (Hurley, 2001). An example of this is the George Floyd Justice in Policing Act of 2021 that addressed policing practices to keep law enforcement accountable (Bass, 2021). Although the Act was only approved by the House and not the Senate, it keg-started a catalyst of other police reform bills and initiatives—not only in the federal legislature, but also in many state legislatures and local government institutions. Along with

policies, blackout screens in solidarity emerged, as well as antiracist statements featured on almost every company, corporation, and bureaucracy page. While many entities went out of their way to advance DEI measures in the aftermath of the protests in 2020, so did educational institutions. According to an analysis by the Education Advisory Board conducted in the summer and fall of 2020, 82% of the 130 institutions sampled released statements committing to antiracism efforts (EAB, 2020).

Conservative groups, on the other hand, were opposed to such progressive improvements. For example, in September 2020, former President Donald Trump issued Executive Order 13950 to "combat offensive and anti-American race and gender stereotyping and scapegoating" (Combating Race and Sex Stereotyping, 2020). The Order does not explicitly reference critical race theory, but the theory is clearly alluded to as a "destructive" and "malign" ideology that is dividing our country and challenging American principles. While this Order was later rescinded under the Biden administration, numerous state governments already took note and began enforcing similar education-related laws in their governments, as discussed in the "Domestic Efforts" section. Thus, the Stop W.O.K.E. Act was likely created as a response to limit the progressive impacts made from these contemporary civil rights movements. Nonetheless, while its origins help to explain the law's existence, it is crucial to grasp the fundamental components that constitute the essence of the law.

Language and Mandates

According to Montesquieu's "Spirit of the Laws", the law "should never return to vague expressions" (Montesquieu 1748). By many scholars and critics, the language of the bill is regarded to be ambiguous and vague. The text states the following:

(8) (a) Subjecting any individual [or student or employee as stated later in text], as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin under this section:

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.

2. An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

3. An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.

4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.

5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.

6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

7. An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological

distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.

8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

(b) Paragraph (a) may not be construed to prohibit discussion of the concepts listed therein as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts. (The Florida Senate, 2022)

As collected from firsthand accounts of Florida university professors, schoolteachers, and university administration officials, it is difficult to interpret what exactly qualifies as “promoting” such concepts. The final paragraph (b) seems to permit discussion of these ideas if presented in an “objective manner and without endorsement”. However, requiring any conversation around the concepts to be neutrally mannered without supporting such concepts is an unclear line to expect teachers to walk along, tempting teachers to avoid the concepts altogether.

Moreover, this regulation is allegedly “objective” as it prohibits any promotion of these ideas—yet the question of impartiality arises since the law is absent of any prohibitions that prevent the condemnation of topics surrounding critical race theory. Some scholars claim the vagueness is intentional, serving as a daunting overcast of restriction to curtail any related teaching. Thus, it can be difficult to enact or charge a possible offender of the law due to the

“void for vagueness doctrine” which nullifies a law that fails to clearly define a prohibition, or the “overbreadth doctrine” that declares a law as too broad, or fails to narrowly define the specific prohibition (Dydia, 2023). With such discrepancies, it can be nearly impossible to carry out an individual’s due process since it is difficult for the individual to know what was initially prohibited.

The bill also includes “revising requirements for required instruction on the history of African Americans; authorizing instructional personnel to facilitate discussions and use curricula to address, in an age appropriate manner, specified topics; prohibiting classroom instruction and curricula from being used to indoctrinate or persuade students in a manner inconsistent with certain principles or state academic standards” (The Florida Senate). This mandate foreshadows the restrictions set upon African-American history courses which will be later discussed.

Legislative Process

One may ask, “How did the controversial Stop W.O.K.E. Act navigate its initial passage?” Within the Florida House and Senate chambers, both dominated by a supermajority of Republicans, the Act swiftly moved along partisan lines. The enduring Republican supermajority, spanning two decades, has firmly gripped control over the executive and legislative branches since 1999. The Stop W.O.K.E. Act was introduced as the Individual Freedom Act filed under House Bill 7 in the Florida House on January 11th, 2022 (The Florida Senate, 2022). The bill was referred to the Judiciary Committee, State Affairs Committee, and the Education and Employment Committee. The bill was added to each of the agendas, recorded as favorable, and reported out of all three of these committees. On February 9th, 2022, the Committee Substitute version of the bill (CS) gained particular favor in the Education and Employment Committee, marked with two adopted amendments. One of these amendments

filed by Representative Avila denoted a responsibility unto the State Board of Education to “Develop or adopt curriculum to inspire future generations through motivating stories of American history” (The Florida Senate, 2022), a provision being actualized in 2024 as the Florida Board of Governors have ruled to remove sociology as a core course in replacement of a “factual history course”--a course expected by many sociologists and activists to be based on American and western-based conservative ideology (Page, 2024). The CS bill then became filed and added to the House Calendar. Eight days later, the bill was added to the Special Order Calendar—a calendar for bills considered to be high priority (Florida House of Representatives, n.d.). On this scheduled date of February 22, 2022, the bill was read with 14 failed amendments, 3 adopted amendments, and 2 amendments superseded by substitute. All of the failed amendments happened to be proposed by Democrat representatives, with the adopted amendments (with one exception) being proposed by a Republican—further demonstrating the partisan nature of the Florida legislature. The bill was read on third reading two days later with a failed and adopted amendment, and the CS was passed as amended with 74 YEAS and 41 NAYS, on nearly a total party line vote (in 2022 Republicans held 84 seats and Democrats held 36 seats; few Republicans did not vote along their party.) The bill was then immediately certified by the clerk of the House.

On this same day, the bill was sent to the Senate as Senate Bill 148 and immediately referred to the Rules committee. After gaining favorable approval, it was placed on the Special Order Calendar (due to it being considered high priority) and placed on second reading on March 9th. This resulted in six failed amendments, where the bill was then placed on third reading. The CS was passed with 24 YEAS and 15 NAYS, once again almost entirely on a party line vote as the Senate was comprised of 28 Republicans and 12 Democrats at the time. The following day, it

was ordered enrolled. It was then overtly signed by Governor Ron DeSantis through an hour-long news conference he held on April 22nd (Brugal, 2022). The law was marked to be effective beginning July 1, 2022.

IMPACTS

The Act has led to significant implications onto the education realm, as many concerns of academic freedom and access to education have been raised. In fact, disciplines that require exploration of foundational viewpoints around racism and sexism have already begun to be ill-educated, one example being the field of sociology. Sociology is “the study of social life, social change, and the social causes and consequences of human behavior” (ASA, 2010). Thus, it is grappling to determine how a discipline framed around such social systems, which is naturally discussed around racism due to the nature of American society, can function effectively. On this same token, through the stemming legislation SB 266 (to be further discussed), the state’s Board of Education opted to replace the “Principles of Sociology” course with a renovated American history course (Page, 2024). Although the course is still under development, many scholars in the field have assumed that its aim will be to promote conservative Western ideology—seriously harming the discipline and related areas of study.

The regulations of the Act also remove a safe space for students of color to speak to academic lecturers on issues they may face as a result of marginalization. “Black, Brown, and LGBTQ+ youth experience systemic discrimination in their daily lives, and they should not be banned from open conversations with professors who have dedicated their lives to examining these issues and often have similar experiences,” stated by Morenike Fajana, assistant counsel with LDF (American Civil Liberties, 2022).

The Act has caused a plethora of other impacts. For example, through the Stop W.O.K.E. Act, DeSantis rejected an AP African American studies course developed by College Board from being taught in Florida in March 2023 (Cineas, 2023). He asserted that the course would push a

“political agenda” and was a prime example of “woke indoctrination”. He also claimed the course contained concepts that were divisive and problematic, such as intersectionality, Black Lives Matter, and more. In response, the College Board has created a new course framework and curriculum that is set to be taught for the 2024-2025 school year; yet, it will omit many of these fundamental topics.

Student Opposition

Moreover, various forms of student opposition have emerged. Highlighting the University of Central Florida based on the writer's firsthand experiences and the institution's location, one instance includes a Senate Resolution produced by the Student Government at the University of Central Florida as (Scheuler, 2023). This resolution unanimously voiced the opposition of the student body senate to the Stop W.O.K.E. Act and its repercussions on the institution. Additionally, numerous student demonstrations have occurred, such as a rally during a University of Central Florida Board of Trustees meeting (Russon, 2023). At this rally, students representing diverse cultural, LGBTQ+, and political organizations voiced their discontent with the recent legislation.

Furthermore, New College, a liberal arts college, witnessed numerous demonstrations in response to the oppressive legislation and impacts. Ramifications included the dismissal of nearly half of its faculty members for their perceived "left-leaning" ideologies, the replacement of its president with a former Republican lawmaker, and the termination of its chief Diversity, Equity, and Inclusion (DEI) officer. Additionally, Senate Bill 266 was signed into law on the campus, with further discussion on its implications reserved for later (Grant et al., 2023). These

events further galvanized the student body to organize protests repeatedly, yet despite their efforts, no substantial changes toward justice were reaped.

Federal Mandates

In January 2023, the U.S. Department of Education has issued a fact sheet on Diversity & Inclusion Activities Under Title VI. Whether this outcome directly resulted from the Act remains uncertain, as it is vital not to assume causation from correlation. The sheet emphasized that diversity, equity, and inclusion training align with Title VI of the Civil Rights Act of 1964 in most factual circumstances (U.S. Department of Education, 2023). However, the Stop W.O.K.E. Act, alongside subsequent legislation aimed at furthering its impact, seems to disregard the provisions outlined in the fact sheet as it portrays DEI in a negative light in need of suppression. The fact sheet states that a violation of Title VI occurs when a “school or college creates or is responsible for a racially hostile environment” (U.S. Department of Education, 2023). While supporters of the Act may argue that it abides by this provision by aiming to prevent white students from feeling guilty about historical incidents, the Stop W.O.K.E. Act is likely to have the opposite effect on students of color. This is due to the Act hindering their ability to learn about their own histories, as teachers tread lightly around or avoid such topics altogether and thereby increase the potential for a racially tense and hostile environment. The fact sheet concludes by highlighting Congress and President Biden's endorsement of a nation that nurtures diversity for a harmonious and robust state. However, the imposition of these state regulations undermines sentiments at the federal level, rendering them almost inconsequential.

The passage of the Stop W.O.K.E. Act may have potentially impacted another federal action, specifically the Supreme Court's ruling on affirmative action. This ruling prohibits college admissions from using race as a criterion for admitting students of color, a strategy

initially developed to counteract decades of discrimination in higher education and enhance diversity (Crosby, 1994). The elimination of these admission processes is expected to lead to a decline in diversity, returning to lower levels. Students of color may be deterred from applying to programs that have become more challenging to gain acceptance into, and the financial burden of high tuition rates may even increase as they are less likely to be considered for scholarships. The Supreme Court ruling has also prompted several state government officials to threaten the removal of minority scholarships. Proposals for adopting "race-blind practices" in states like Missouri, Kentucky, and Wisconsin (Wong, 2023) indicate a potential elimination of this consideration over time. The removal of affirmative action in admissions, ostensibly in pursuit of a "colorblind" approach, poses conflicting challenges—especially when considering the continued existence of legacy scholarships that specifically benefit students of Caucasian descent. This prompts reflection of the extent to which these practices truly embody "color-blindness."

Stemming Legislation

While the Stop W.O.K.E. Act operates as a standalone law, giving rise to a whirlwind of consequences on its own, additional legislation developed alongside or subsequent to it has resulted in adverse ramifications within Florida, with education at the forefront.

HB 999/SB 266- Expansion of Stop W.O.K.E. Act

Beyond the Stop W.O.K.E. Act, additional regulations have been made to suppress academic in alternative ways such as House Bill (HB) 999. This bill is partially a reworked version of the Stop W.O.K.E. Act with a focused approach on DEI as the law prohibits Florida universities from expending any state or federal funds to “promote, support, or maintain any

programs or campus activities that...advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors.” (The Florida Senate, 2023). This regulation sparked frustration within numerous student organizations such as social justice or political groups, as well as Black sororities and fraternities; it was perceived to be a direct attack from the legislature. These prohibitions were also once again challenging for university administration and difficult for educators to follow, due to their vague and ambiguous nature. According to the Florida Board of Education’s regulation, political and social activism is defined as:

any activity organized with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a desired result related to social issues, where the university endorses or promotes a position in communications, advertisements, programs, or campus activities. (Dailey, 2024)

Activities with the intent to address social issues can encompass a wide range of actions—from obvious forms like organizing a student-led march to raise awareness about government injustice to more subtle efforts like hosting a study-hall event focused on improving academic performance for disadvantaged groups of students, particularly those of color. Furthermore, amendments were introduced to HB999 to impose additional limitations within higher education institutions, such as terminating regulations that targeted student organizations and Greek life, eliminated women and gender studies, and enabled the Board of Trustees to review a professor's tenure at any time (Gary, 2023). Nonetheless, through civic resistance most of these amendments did not pass through HB 999. Instead, its Senate-version counterpart, SB 266, incorporated mildly revised amendments and was signed into law. These amendments still impacted the tenure review process by eliminating arbitration, while also maintaining prohibitions on funding DEI

programs, along with language outright opposing critical race theory. Moreover, the absence of enforcement mechanisms to penalize individuals who impart such restrictions creates a murky legal landscape. With no recourse for legal action against the Board of Governors or the legislature, the law fosters an environment of uncertainty, exacerbating the chilling effect. Therefore, efforts to suppress DEI initiatives within the Stop W.O.K.E. Act ultimately persisted and intensified.

Moreover, even though student organizations were no longer directly targeted through the legislation, the potential lack of financial support from the university can hinder their ability to host events. This lack of support may also induce feelings of discouragement from groups to deter them from carrying out their normal activities. As Senate Bill 266 was passed in the 2023 legislative session, the ambiguous law was interpreted and implemented through bureaucratic forces of the Board of Governors—a body of officials who oversee operations of the state university system. This indeed adds an ironic twist, as this body directly appointed by the Governor plays a significant role in defining and creating regulations for enacted laws.

Thus, measures of student resistance have taken place in opposition to this bill. Demonstrations against the Act took place at Florida Atlantic University, University of South Florida, Florida Gulf Coast University, and other institutes. Indeed, the bill was discussed in a legislative committee during the week when university students were set to be away on spring break. There have been accounts claiming that this timing was intentional to discourage student testimonials. Despite this, many students, including those from Florida Agricultural and Mechanical University, dedicated time from their spring break to journey to the state capitol and provide testimony at the committee hearing. However, despite the significant turnout of over 150 people expressing opposition, including students and educators (less than 5 testimonials were in

support), the public comment period was shortened abruptly. (Brandt, 2023). Additionally, a rally during a Board of Governors meeting at the University of Central Florida occurred on November 9th, 2023, with student organized from university chapters of the NAACP, College Democrats, the Young Democratic Socialists of America, and other student organizations (Schueler, 2023). During the public forum, students briefly expressed their thoughts before an interruption that ended the comment period, which is not a typical situation for the Board. Most recently, on March 1st, the University of Florida removed their Office of the Chief Diversity Officer while firing 13 full-time DEI positions (Thomas, 2023). It is expected it won't be long before similar actions take place at other Florida institutions. Occurrences like these raise questions on the institution of democracy in the state.

HB 1467- Book Bans

Though this law was signed in March 2022, shortly before the Stop W.O.K.E. Act, HB 1467 is another vague anti-education law created to create an intimidating and chilling effect onto the Florida education system. The law “requires that each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate” (The Florida Senate, 2022). This removed any authority from teachers in selecting texts available in their classroom libraries. Additionally, in fear of violation of the Act and facing possible felony charges, many school districts have removed any possible books of conflict from school libraries. In addition, teachers were required by the Florida Department of Education to bar students from school libraries until books were reviewed (Cineas, 2023). Attached is an account of a teacher who tweeted from the platform, X, on

consequences faced due to the book-banning legislation.

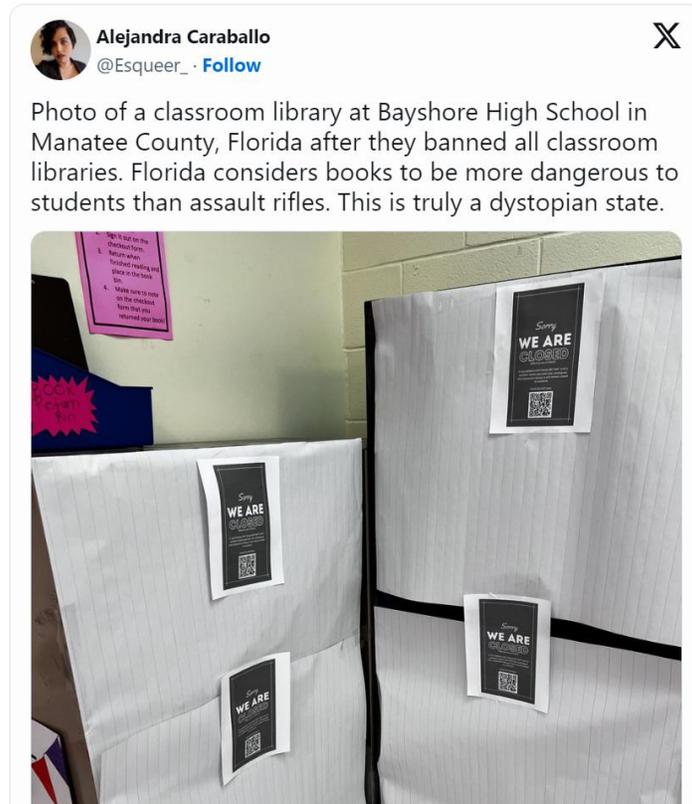


Figure 3: Tweet of teacher adjusting to book bans in classroom library

Source: Vox <https://www.vox.com/policy-and-politics/23593369/ron-desantis-florida-schools-higher-education-woke>

DeSantis claims this law to be a vehicle for “curriculum transparency” to make sure parents have full awareness of what their children are being taught (Staff of Governor DeSantis, 2022). Consequently, over 566 books have been banned in Florida, many on the rationale that they feature protagonists of color or are written by a person of color (see figure 4), all to abide by regulations of the Stop W.O.K.E. Act. Until recently in February 2024, DeSantis has claimed banned books in Florida to be a “hoax” and is supporting a Florida House proposal that limits and fines “bad-faith objections” on library books—hoping to curtail the numerous book objections the state receives with a number of 1,218 books in the 2022-2023 fiscal year (Odzer & Florida, 2024). Nonetheless, this seems to be an attempt to undo the harms that have resulted from the original book banning act that has made irreversible effects. *adjusting to book bans in classroom library*

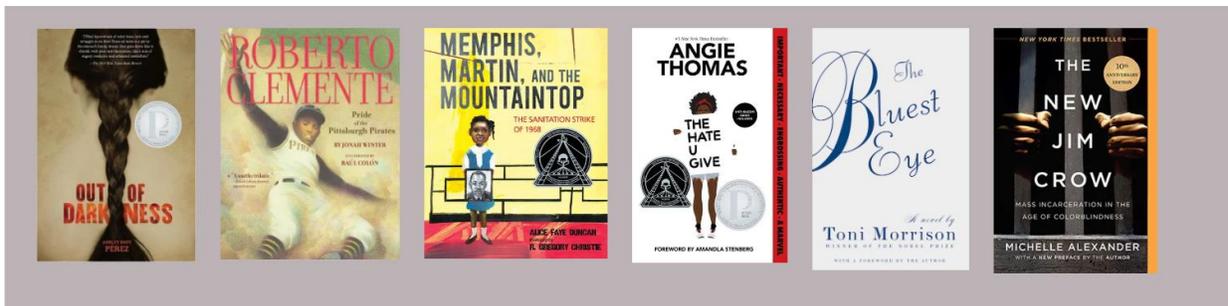


Figure 4: Banned books in Florida school districts

Source: NAACP LDF <https://www.naacpldf.org/florida-war-on-black-history/>

COURT BATTLES

One of the first legal challenges against the law is *Falls v. Desantis*, where a group of educators and a student actively participated in a lawsuit filed in April 2022 (Falls et al., 2022) asserting the Act violated academic freedom. A prominent actor in this legal action is Robert Cassanello, an associate professor of history at the University of Central Florida. The professor contended in his testimony that his teaching did not endorse CRT, but rather aimed to foster critical thinking skills within his students. As a defense, the state argued that Professor Cassanello "did not have legal standing to challenge the law," asserting the law's prohibitions did not apply to him (Saunders, 2022). However, Federal Judge Walker disagreed with the state's interpretation of Cassanello's testimony, stating that it placed "too much weight on Dr. Cassanello's claims that he does not endorse material, and that he fears that others will misconstrue the act of assigning material as endorsing that material" (Saunders, 2022). Consequently, due to the law's vagueness, its application becomes subjective leaving it to the discretion of the law's recipients to determine whether or not he is in violation. Walker also noted that the law "bars him from providing instruction that he would otherwise provide," thereby depriving him and other educators of their academic freedom. The injunction resulting from the lawsuit remains in the litigation process.

In August 2022, the American Civil Liberties Union (ACLU) and the Legal Defense Fund (LDF) filed a lawsuit *Pernell v. Lamb* (sometimes cited as *Pernell v. Florida Board of Governors*) against the Act on behalf of seven professors and one student. This included a constitutional law professor and several race and gender studies professors (Civil Rights Litigation Clearinghouse, n.d.). The plaintiff argument expressed a violation of the First and Fourteenth Amendments as it "restricts instructors from teaching and students from learning

certain viewpoints, the law is unconstitutionally vague, and it intentionally discriminates against Black instructors and students” (Watson, 2022). According to the First Amendment of the Constitution, “Congress shall make no law...abridging the freedom of speech” (U.S. Const. amend. I). The ACLU contended the Act is a violation of the Amendment as it limits the expression of ideas and dialogue, prohibiting space for transformative debate and discussion. The Equal Protection Clause (mentioned earlier) is argued to be breached, as it “was enacted with a racially discriminatory purpose and will have a disparate impact on Black educators and students” (American Civil Liberties Union, 2022). Thus, it fails to hold protections among the entire U.S. demographic as a specific racial group is targeted.

In response, the State of Florida attempted to defend itself by stating the First Amendment is not violated as instructors of public educational institutions are public employees, and all their speech is considered government speech, for “A public university’s curriculum is set by the university in accordance with the structures and guidance of the State’s elected officials” (Pernell et al., 2022)). This perspective can be presumed to be irrational and disrespectful to academic instructors, as it essentially disregards their freedom of speech and reduces them to mere agents of the state rather than recognizing them as unique and autonomous individuals. As Judge Walker has expressed, instructors are being seen as “simply the State’s mouthpieces” (Watson, 2022) rather than free educators—further echoing the sentiment of deducing the rights of educators. Because it is government speech, the defendants claim it does not infringe on the “marketplace of ideas” framework the First Amendment is meant to preserve. Nonetheless, censorship raises questions on its alignment with democratic values, creating a paradoxical perspective on the actions of agents enforcing change.

In August 2022, federal judge Walker blocked the Act's effect on private employers regarding the provision on diversity place trainings on grounds of vagueness, overbreadth, and violating the First Amendment" (Walker, 2022). Additionally, on November 17th, 2022, a preliminary injunction was imposed by Chief U.S. District Judge Mark Walker to immediately block effects of the Stop Woke Act in higher education institutions. Walker filed the injunction on the basis of viewpoint discrimination as it "bans professors from expressing disfavored viewpoints in university classrooms while permitting unfettered expression of the opposite viewpoints." (Walker, 2022). Hence, the government isn't targeting a specific subject matter but the views or perspectives of the speakers if they seem to disagree with the state. He also claims the Act to be "positively dystopian", as he concludes the Act is oppressive in nature, yet is being portrayed in a positive light by a part of society. Judge Walker argues that attempting to portray the Act as antidiscrimination is a "red herring" (Watson, 2022), as attempts to reduce discrimination in the state are being drowned out. Nonetheless, K-12 institutions were left to bear the impact as the injunction did not remove the Act's enforcement within this sector.

The abridgment of free speech sparks debates across political divides, as spokesperson from the Foundation for Individual Rights and Expression (FIRE) declared:

Professors must be able to discuss subjects like race and gender without hesitation or fear of state reprisal. Any law that limits the free exchange of ideas in university classrooms should lose in both the court of law and the court of public opinion. (Deese, 2023)

This is an intriguing element as FIRE is an organization notorious for its advocacy of free speech absolutism, demonstrated in their past defense of Richard Spencer, a neo-Nazi promoting ethnic

cleansing (Lukianoff & Perrino, 2017)--claiming to be neutral arbitrators . Thus, this reinforces the likelihood of constitutional invalidity.

On March 16th, 2023, “A three-judge panel on the U.S. Court of Appeals for the 11th Circuit declined to lift a lower court order that prevented Florida's public schools and universities from enforcing the so-called Stop WOKE Act,” This denial of the DeSantis’ administration left the preliminary injunction placed by the lower court in place, preventing Florida's public schools and universities from enforcing the Stop W.O.K.E. Act. Nonetheless, with surrounding legislation like SB266 being implemented, the chilling effect of intimidation remains onto Florida institutions and educators. Averting discussion from such topics regardless of the federal rulings.

The most recent legislative action taken on the Act was on March 4th, 2024, as a three-judge panel of the U.S. Court of Appeals for the 11th Circuit ruled the Act’s attempts to regulate workplace trainings on race, color, sex and national origin, are an abridgment of the First Amendment—upholding the block on the Stop W.O.K.E. Act which facilitated the banning of diversity trainings in the workplace. This was ruled on the basis of viewpoint discrimination as Judge Grant wrote, “By limiting its restrictions to a list of ideas designated as offensive, the Act targets speech based on its content. And by barring only speech that endorses any of those ideas, it penalizes certain viewpoints — the greatest First Amendment sin.” (Kaur, 2024). Nevertheless, the Stop W.O.K.E. Act’s effects on educational institutions remain as injunctions continue to be litigated.

CONCLUSION

Therefore, the research question regarding the extent of suppression of diversity, equity, and inclusion in Florida has been thoroughly explored and elaborated upon. The constraints imposed by the Stop W.O.K.E. Act, alongside other relevant legislation, as well as the impacts of these laws on higher education, workplaces, and other social institutions, all serve to illustrate the chilling effect hindering the support and advancement of DEI efforts within the state. By defining key terms, a clearer understanding emerges of what precisely is being suppressed and the controversies surrounding these issues. Furthermore, ongoing legal battles offer a contemporary lens on this suppression, highlighting its institutionalized nature within our flawed system at both state and federal levels.

It's crucial to assess such legislation to ensure that historical records accurately reflect the genesis of anti-DEI initiatives, emerging from state-specific responses to counteracting race and gender-based discrimination within their histories. The targeted removal of DEI will send “a really clear message about who belongs” (Lu, 2023), consequently causing students of color to face an increased loss of social identity and lack a sense of belonging within the spaces they already experience marginalization in—leaving room for many psychological and mental tolls. Such legislation can also contribute to the “education debt” students of color have been found to experience, a term developed by Gloria Ladson-Billings explaining the “historical, economic, political, and moral debt that the nation has accumulated in its failed attempt at educating Black, Latinx, Indigenous, and some Asian-descent students” (Ladson-Billings, 2006). This can exacerbate the discriminative inequities such demographics of student already face. ACLU staff attorney Jerry Edwards emphasizes the importance of having open discussions “about our history

and its impact on Black and Brown communities is crucial to our democracy”, as reconciliation with the past creates space for “the opportunity to pave a better future for all” (ACLU, 2022). It is necessary that such frameworks around race studies and diversity promotion exist to prompt students to engage in critical thinking skills to arrive closer at overcoming enduring societal problems.

The ongoing battle over the teaching of Critical Race Theory (CRT) and the implementation of Diversity, Equity, and Inclusion (DEI) initiatives serves as a lucid illustration of the ideological divisions within the nation's borders. The Stop W.O.K.E. Act stands out as a prominent example within this larger narrative and agenda, highlighting the disconnect and varying perspectives on how history, identity, and equity are addressed in educational and social contexts. It is alarming to witness the significant undermining of race within DEI initiatives at institutions—for instance, Andrea Guzmán, the vice president for diversity, equity, and inclusion at UCF emphasized her program of “inclusive excellence” encompasses individuals with disabilities, members of the military and veterans, and first-generation college students, while notably omitting mention of people of color (Schweers, 2023). Nonetheless, as notably declared by Dr. Reverend Martin Luther King Jr., “Injustice anywhere is a threat to justice everywhere” (King, 2022). With similar policies rolling out in many states in the country, it will not be long before this war on education spreads to the entire nation, with an ideological party dominating our alleged democracy. In order to preserve what remains of democratic values in Florida (while it shouldn't be required as it is the responsibility of the state), it is encouraged that residents of the state work to maintain social awareness, political involvement, and engagement to educate others on social justice problems. Indeed, an accurate collective awareness of government action by the majority of citizens can help prevent further political repression of civil rights and

liberties in the hopes of a better future for the upcoming generations. Allow research on contentious issues as such continue to be produced to keep lawmakers accountable and to preserve records on historical occurrences in a modern society, while serving as a resource for future historians, politicians, and policymakers. History demands our full attention to sustain the arc of progress and justice, enabling us to reflect on past mistakes with foresight to accomplish advancement for all persons.

REFERENCES

- American Civil Liberties Union. (2022, November 17). *Judge Blocks Florida's "Stop W.O.K.E." Censorship Bill From Taking Effect in Higher Education*. <https://www.aclu.org/press-releases/judge-blocks-floridas-stop-woke-censorship-bill-taking-effect-higher-education>.
- American Sociological Association. (2010, July 7). *What Is Sociology? - American Sociological Association*. American Sociological Association. <https://www.asanet.org/about/what-is-sociology/>
- Ashlee, A. A., Zamora, B., & Karikari, S. N. (2017). We are woke: A collaborative critical autoethnography of three "womxn" of color graduate students in higher education. *International Journal of Multicultural Education*, 19(1), 89-104.
- Anderson, B. (2021, November 2). *Critical race theory is a flashpoint for conservatives, but what does it mean?* PBS NewsHour. <https://www.pbs.org/newshour/education/so-much-buzz-but-what-is-critical-race-theory>
- Bass, K. (2021, March 9). *H.R.1280 - 117th Congress (2021-2022): George Floyd Justice in Policing Act of 2021*. Wwww.congress.gov. <https://www.congress.gov/bill/117th-congress/house-bill/1280>
- Brandt, Kendall. (2023, March 13). *Students testify during hearing on bill that bans diversity, equity and inclusion in colleges*. (2023, March 13). WTXL ABC 27 Tallahassee News. <https://www.wtxl.com/news/local-news/students-testify-during-hearing-on-bill-that-bans-diversity-equity-and-inclusion-in-colleges>
- Brugal, Sommer. (2022, April 22). *DeSantis signs "stop woke" act, Disney bills next to a stage full of supporters*. Tampa Bay Times. Retrieved February 19, 2024, from

<https://www.tampabay.com/news/florida-politics/2022/04/22/desantis-signs-stop-woke-act-disney-bills-next-to-a-stage-full-of-supporters/>

Cineas, F. (2023, February 15). *Ron DeSantis's war on "woke" in Florida schools, explained*. Vox. <https://www.vox.com/policy-and-politics/23593369/ron-desantis-florida-schools-higher-education-woke>

Citizens For Renewing America. (n.d.). *Policy Issues: Critical Race Theory*. https://citizensrenewingamerica.com/issue_topic/critical-race-theory/

Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964).

<https://www.govinfo.gov/content/pkg/STATUTE-78/pdf/STATUTE-78-Pg241.pdf>

Civil Rights Litigation Clearinghouse. (n.d.). *Pernell v. Florida Board of Governors of the State University System 4:22-cv-00304 (N.D. Fla.)* /Clearinghouse.net. Retrieved February 5, 2024, from <https://clearinghouse.net/case/43980/>

Clark, T. R. (2020). *The 4 stages of psychological safety: Defining the path to inclusion and innovation*. Berrett-Koehler Publishers.

Clayton, C. P. (2020). *Black privilege: modern middle-class blacks with credentials and cash to spend*. Stanford University Press.

Combating Race and Sex Stereotyping. (2020, September 28). Federal Register.

<https://www.federalregister.gov/documents/2020/09/28/2020-21534/combating-race-and-sex-stereotyping>

- Crosby, F. J. (1994). Understanding affirmative action. *Basic and Applied Social Psychology*, 15(1-2), 13-41.
- Czachor, E. M. (2022, November 9). “Florida is where woke goes to die,” Gov. Ron DeSantis says after reelection victory. (n.d.). [Www.cbsnews.com.](https://www.cbsnews.com/news/ron-desantis-florida-where-woke-goes-to-die-midterm-election-win/)
<https://www.cbsnews.com/news/ron-desantis-florida-where-woke-goes-to-die-midterm-election-win/>
- Dailey, Ryan. (2024, January 17). *Florida Board of Education takes aim at DEI and a sociology course*. WUSF. <https://www.wusf.org/education/2024-01-17/florida-board-of-education-dei-sociology-course>
- Deese, K. (2023, March 16). *DeSantis critical race theory ban “Stop WOKE Act” blocked in Florida schools by appeals court*. Washington Examiner.
<https://www.washingtonexaminer.com/?p=1543644>
- Duncan. (2021, November 15). *What Happens If A Country Goes Against The UN? We Find Out - Humanitarian Careers*. Humanitariancareers.com.
<https://humanitariancareers.com/country-against-united-nations/#:~:text=Countries%20that%20go%20against%20the>
- Dynia, Philip, A. *Vagueness*. (2023, August 10). The Free Speech Center.
<https://firstamendment.mtsu.edu/article/vagueness/>
- EAB. (2020). *What has higher education promised on anti-racism? | EAB*. (n.d.). Eab.com.
Retrieved February 5, 2024, from <https://eab.com/resources/blog/strategy-blog/higher-education-promise-anti-racism/>
- Edwards, H. T. (2004). The journey from Brown v. Board of Education to Grutter v. Bollinger: From racial assimilation to diversity. *Michigan Law Review*, 102(5), 944-978.

Employees Celebrate the Best Workplaces for Diversity, Where Teams “Look Like America.”

(2019). Fortune. Retrieved April 18, 2023, from <https://fortune.com/2019/12/20/best-workplaces-for-diversity-2019/>

Evans, F. (2020, November 5). *Why Harry Truman ended segregation in the US Military in 1948*. History. <https://www.history.com/news/harry-truman-executive-order-9981-desegregation-military-1948>

Falls, D., Harper, J., Cassanello, R., Grady, T., Gibson, B., Brown, M., Johnson, M., Petty, R., York, J., Janvier, N., Jones, K., Luccio Jordan, D., Levine, A., Lydecker, C., & Scott, S. (2022, April 22.). *UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION*. Retrieved March 7, 2024, from <https://www.courthousenews.com/wp-content/uploads/2022/08/Teachers-complaint.pdf>

Florida House of Representatives. *Legislative Glossary*. (n.d.). [Www.myfloridahouse.gov](http://www.myfloridahouse.gov). Retrieved February 13, 2024, from <https://www.myfloridahouse.gov/Sections/PublicGuide/glossary.aspx?Filter=S#:~:text=Special%20Order%20Calendar->

Lu, Adrienne. (2023, February 28). *Experts Question the Legality of Anti-DEI Legislation*. The Chronicle of Higher Education. https://www.chronicle.com/newsletter/race-on-campus/2023-02-28?utm_source=Iterable&utm_medium=email&utm_campaign=campaign_6290140_nl_Academe-Today_date_20230301&cid=at&source=&sourceid=

Montesquieu, C. (1748). Complete Works, vol. 2 The Spirit of Laws. T. Evans.

Gill, K. (2014). Oppression, intersectionality and privilege theory. *Irish Marxist Review*, 3(9), 62-68.

- Gary, Alissa. (2023, April 3). *Changes to House Bill 999, explained*. The Independent Florida Alligator. <https://www.alligator.org/article/2023/04/changes-to-house-bill-999-explained>
- Grant, M. G., Houghtaling, E. Q., Ford, M., Ford, M., Logis, R., Logis, R., Sargent, G., Sargent, G., Robins, J., & Robins, J. (2023, October 24). *DeSantis's War on "Woke" Colleges Gets Even More Absurd—and Dangerous*. The New Republic. <https://newrepublic.com/article/176402/desantiss-war-woke-colleges-absurd-dangerous>
- Hurley, P. A. (2001). David Mayhew's "Congress: The Electoral Connection" after 25 Years. *PS: Political Science and Politics*, 34(2), 259–261. <http://www.jstor.org/stable/1350218>
- Johnson, L. D., & Pak, Y. K. (2019). Teaching for Diversity: Intercultural and Intergroup Education in the Public Schools, 1920s to 1970s. *Review of Research in Education*, 43(1), 1-31. <https://doi.org/10.3102/0091732X18821127>
- Kaur, A. (2024, March 5). Appeals court blocks Fla. "Stop Woke Act," says it's a "First Amendment sin." *Washington Post*. <https://www.washingtonpost.com/nation/2024/03/04/appeals-court-blocks-florida-stop-woke-act/>
- King Jr, M. L. (2022). Injustice anywhere is a threat to justice everywhere.
- Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in US schools. *Educational researcher*, 35(7), 3-12.
- Legal Defense Fund. (2022). *Critical Race Theory FAQ*. NAACP Legal Defense and Educational Fund. <https://www.naacpldf.org/critical-race-theory-faq/>

Lind, D. (2021). *Glossary of Definitions and Core Concepts for Diversity, Equity, and Inclusion (DEI) Prepared by.*

https://academyhealth.org/sites/default/files/publication/%5Bfield_date%3Acustom%3AY%5D-%5Bfield_date%3Acustom%3Am%5D/deiglossary_nov_2021_1.pdf

Love, A. (2020, April 15). *When Did We Add the “Equity” to Diversity, Equity, and Inclusion?*

Ideas.bkconnection.com. <https://ideas.bkconnection.com/when-did-we-add-the-equity-to-diversity-equity-and-inclusion>

Lukianoff, G., & Perrino, N. (2017, August 19). *Why Even Nazis Deserve Free Speech | The Foundation for Individual Rights and Expression.* Wwww.thefire.org.

<https://www.thefire.org/news/blogs/eternally-radical-idea/why-even-nazis-deserve-free-speech>

McGhee, H. (2022). *The sum of us: What racism costs everyone and how we can prosper together.* One World.

McIntosh, P. (1990). *White privilege: Unpacking the invisible knapsack.*

Meckler, Laura, & Dawsey, Josh. (2021, June 21). *Republicans, spurred by an unlikely figure, see political promise in targeting critical race theory.* Washington Post.

<https://www.washingtonpost.com/education/2021/06/19/critical-race-theory-ruforepublicans/>

Merriam-Webster. (2019). *Definition of WOKE.* Merriam-Webster.com. <https://www.merriam-webster.com/dictionary/woke>

Myers, R. A., Morris Levy, Dowell. (2021, June 13). *The Myth of a Majority-Minority America*.

The Atlantic. <https://www.theatlantic.com/ideas/archive/2021/06/myth-majority-minority-america/619190/>

National Archives. (2021, September 28). *Executive Order 9981: Desegregation of the Armed Forces (1948)*. National Archives. <https://www.archives.gov/milestone-documents/executive-order-9981>

OHCHR | Agenda towards transformative change for racial justice and equality. (n.d.).

OHCHR. <https://www.ohchr.org/en/racism/agenda-towards-transformative-change-racial-justice-and-equality>

OHCHR | A/HRC/51/53: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality - Report of the United Nations High Commissioner for Human Rights. (n.d.). OHCHR. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5153-promotion-and-protection-human-rights-and-fundamental-freedoms>

Odzer, A., & Florida, N. S. of. (2024, February 15). *DeSantis denies Florida book ban claims, backs limiting “bad-faith objections.”* NBC 6 South Florida.

<https://www.nbcmiami.com/news/local/desantis-denies-florida-book-ban-claims-backs-limiting-bad-faith-objections/3235281/>

Page, H. (2024, January 25). *Board of Governors Adds Factual History Course as Option for Requirements for Social Sciences Core*. State University System of Florida.

<https://www.flbog.edu/2024/01/24/board-of-governors-adds-factual-history-course-as-option-for-requirements-for-social-sciences-core/>

Pele, A., & Assy, B. (2019). Academic freedom (s) in the drift towards authoritarianism (3/4):
Brazil. *Droit & Société: Théorie et sciences socialise du droit*, 5.

Pernell, L., Cooper, C., Ohlendorf, J., Wold, M., & Ramer, J. (2022). *UNITED STATES
DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION
DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION.*

<https://storage.courtlistener.com/recap/gov.uscourts.flnd.442797/gov.uscourts.flnd.442797.52.0.pdf>

Reilly, K. (2022, April 22). Florida's Governor Just Signed the "Stop Woke Act." Here's What It Means for Schools. Time. <https://time.com/6168753/florida-stop-woke-law/>

Russon, G. (2023, February 24). *UCF students push back against Gov. DeSantis' anti-diversity efforts*. Florida Politics - Campaigns & Elections. Lobbying & Government. <https://floridapolitics.com/archives/590862-ucf-students-push-back-against-gov-desantis-anti-diversity-efforts/>

Saunders, J. (2022, September 9). *UCF professor gets OK to challenge Florida's so-called "Stop WOKE Act."* WKMG. <https://www.clickorlando.com/news/2022/09/09/ucf-professor-gets-ok-to-challenge-floridas-so-called-stop-woke-act/>

Selmi, M. (1996). The value of the EEOC: Reexamining the agency's role in employment discrimination law. *Ohio St. LJ*, 57, 1.

Serwer, A. (2019). The fight over the 1619 project is not about the facts. *The Atlantic*, 23.

Schueler, M. (2023, February 7). *UCF student senate passes resolution opposing DeSantis' Stop WOKE Act*. Orlando Weekly. Retrieved March 26, 2024, from

<https://www.orlandoweekly.com/news/ucf-student-senate-passes-resolution-opposing-desantis-stop-woke-act-33508036>

Schueler, M. (2023, November 9). *UCF students rally in Orlando against conservative crackdown on Florida universities*. Orlando Weekly. Retrieved February 1, 2024, from <https://www.orlandoweekly.com/news/ucf-students-rally-in-orlando-against-conservative-crackdown-on-florida-universities-35462382>

Schwartz, S. (2021, February 3). *Lawmakers Push to Ban '1619 Project' From Schools*. Education Week. <https://www.edweek.org/teaching-learning/lawmakers-push-to-ban-1619-project-from-schools/2021/02>

Scheweers, Jefferey. (2023, February 17). *DeSantis' attack on schools borrows from conservative think tanks*. Orlando Sentinel. <https://www.orlandosentinel.com/2023/02/17/desantis-attack-on-schools-borrows-from-conservative-think-tanks/?clearUserState=true>

Staff of Governor Ron DeSantis, *Governor DeSantis Announces Legislative Proposal to Stop W.O.K.E. Activism and Critical Race Theory in Schools and Corporations*. (2021, December 15). <https://www.flgov.com/2021/12/15/governor-desantis-announces-legislative-proposal-to-stop-w-o-k-e-activism-and-critical-race-theory-in-schools-and-corporations/>

Staff of Governor Ron DeSantis, *Governor Ron DeSantis Signs Bill that Requires Curriculum Transparency*. (2022, March 25). <https://www.flgov.com/2021/12/15/governor-desantis-announces-legislative-proposal-to-stop-w-o-k-e-activism-and-critical-race-theory-in-schools-and-corporations/>
<https://www.flgov.com/2022/03/25/governor-ron-desantis-signs-bill-that-requires-curriculum-transparency/>

Tajfel, H. (1972). Social categorization. English manuscript of 'La catégorisation sociale'. In S. Moscovici (Ed.), *Introduction à la psychologie sociale* (Vol. 1, pp. 272–302). Paris: Larousse.

The American Association for Access, Equity, and Diversity. (2019). *About Affirmative Action, Diversity and Inclusion | American Association for Access Equity and Diversity - AAAED*. American Association for Access Equity and Diversity - AAAED.
https://www.aaed.org/aaed/About_Affirmative_Action_Diversity_and_Inclusion.asp

The Florida Senate. (2022). *CS/HB 1467: K-12 Education*. Flsenate.gov.
<https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PD>

The Florida Senate. (2022). *CS/HB 7: Individual Freedom*. Flsenate.gov.
<https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF>

The Florida Senate. (2022). *CS/HB 7: Individual Freedom- Bill History*. Flsenate.gov.
<https://www.flsenate.gov/Session/Bill/2022/7/?Tab=BillHistory>

The Florida Senate. (2023). *Chapter 1004 Section 06 - 2023 Florida Statutes - The Florida Senate*. Wwww.flsenate.gov. <https://www.flsenate.gov/laws/statutes/2023/1004.06>

Thomas, Z. (2023, March 4). *UF eliminates diversity: What's known and what remains unclear*. (n.d.). The Independent Florida Alligator. Retrieved March 7, 2024, from

<https://www.alligator.org/article/2024/03/uf-eliminates-diversity-whats-known-and-what-remains-unclear>

University of California Office of Equal Opportunity & Diversity. N.d. *A Brief History of Affirmative Action*. [Www.oeod.uci.edu](http://www.oeod.uci.edu).

https://www.oeod.uci.edu/policies/aa_history.php#:~:text=On%20September%2024%2C%201965%20President

U.S. Const. amend. I

U.S. Const. amend. XIV, § 2.

U.S. Department of Education. (2023, January). *Fact Sheet: Diversity & Inclusion Activities Under Title VI*. (n.d.). <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf>

Watson, L. (2022, November 29). *Lessons Learned from Our Classroom Censorship Win Against Florida's Stop W.O.K.E. Act* | ACLU. American Civil Liberties Union. <https://www.aclu.org/news/free-speech/lessons-learned-from-our-classroom-censorship-win-against-floridas-stop-w-o-k-e-act#:~:text=4>

Watson, L. (2023, September 7). *What the Fight Against Classroom Censorship is Really About* | ACLU. American Civil Liberties Union. <https://www.aclu.org/news/free-speech/what-the-fight-against-classroom-censorship-is-really-about>

Walker, Mark, E. (2022, August 8). *IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION*. (n.d.).

<https://s3.documentcloud.org/documents/22140127/preliminary-injunction-order-honeyfund-v-desantis.pdf>

Walker, Mark, E. (2022, November 17). *IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION*. (n.d.).

https://storage.courtlistener.com/recap/gov.uscourts.flnd.442797/gov.uscourts.flnd.442797.63.0_5.pdf

Wong, Alia. (2023, July 7). *After Supreme Court's affirmative action ruling, race-based scholarships under scrutiny*. USA TODAY.

<https://www.usatoday.com/story/news/education/2023/07/06/after-supreme-court-affirmative-action-ruling-scholarships-targeted/70388058007/>