

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

CAIR-FOUNDATION, INC. and
CAIR FLORIDA, INC.,

Plaintiffs,

v.

Case No. 4:26-cv-315-MW-MJF

RON DESANTIS, *et al.*,

Defendants.

**PLAINTIFFS’ EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiffs, U.S. civil rights organizations engaged in First Amendment-protected speech, advocacy, and association, are in imminent danger of being forced to completely shut down operations in Florida by **July 8, 2026**, absent this Court’s intervention. Plaintiffs move the Court pursuant to Federal Rule of Civil Procedure 65 to temporarily restrain and preliminarily enjoin Defendants Ron DeSantis, Mark Glass, James Uthmeier, Blaise Ingoglia, and Wilton Simpson (together, the “State Executive Defendants”) from implementing portions of new Florida laws, HB 1471 and HB 1473, which empower Florida officials to designate U.S. groups as “domestic terrorist organizations” (“DTOs”). Designation will immediately subject Plaintiffs—faith-driven nonprofits—to paralyzing restrictions on their speech and

association, under the threat of severe criminal penalties.¹

On July 1, 2026, Governor DeSantis publicly confirmed that the process for designating CAIR as a DTO is underway, and the State intends to make the designation effective. There is a substantial risk that CAIR-Florida will imminently be designated as well, as Governor DeSantis admitted in discovery in *CAIR-Foundation, Inc. v. DeSantis*, No. 4:25-cv-516-MW/MJF, that he also considers CAIR-Florida a “terrorist organization.”

Designation will force an immediate halt to Plaintiffs’ operations in Florida, including their advocacy and the representation of clients in ongoing legal proceedings there, and it will significantly hinder CAIR’s operations nationwide. As explained below, Florida’s unprecedented statutory scheme and the designation of Plaintiffs as DTOs violates the First and Fourteenth Amendments.

For the reasons below, Plaintiffs respectfully request that the Court temporarily restrain and preliminarily enjoin the State Executive Defendants from designating Plaintiffs as DTOs, from publishing the designation of Plaintiffs as

¹ Through this motion, Plaintiffs seek to temporarily restrain and preliminarily enjoin the designation of their organizations as “DTOs” and the enforcement of Florida Statutes §§ 617.1420, 775.30, 775.33, 775.34, 874.03 (and related provisions in Chapter 874 and Section 823.05), and 943.03102, insofar as they concern “DTOs” (“DTO regime”).

All statutory citations are to the 2025 Florida Statutes as amended by Laws of Florida chs. 2026-28 (HB 1471) and 2026-29 (HB 1473).

DTOs in the Florida Administrative Register, and from otherwise taking steps to make Plaintiffs' designation effective.

Should Plaintiffs' designation as DTOs become effective before this Court's intervention, Plaintiffs move to temporarily restrain and preliminarily enjoin Florida's twenty state attorneys (together, "State Attorney Defendants") and the Attorney General from enforcing the DTO regime's penalties against Plaintiffs pursuant to their designation as DTOs, and from enforcing the DTO regime's penalties against third parties in connection with the designation of Plaintiffs as DTOs. Because Plaintiffs engage in speech, advocacy, and association throughout the State of Florida, if Plaintiffs' designation were to become effective, a temporary restraining order and preliminary injunction against all State Attorney Defendants would be necessary for complete relief.

Finally, Plaintiffs seek leave to exceed Local Rule 7.1(F)'s word limit by 1,046 words. Leave is justified due to the number of legal bases on which Plaintiffs seek relief and the complexity of the issues involved.²

² Given the exigencies, Plaintiffs submit a memorandum that exceeds the word limit.

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MEMORANDUM OF LAW

Plaintiffs are U.S. nonprofits. Their shared mission, rooted in faith, is to enhance the public’s understanding of Islam, protect civil rights, promote justice, and empower American Muslims. They have pursued this mission for decades, participating in American civic society like countless other faith-based nonprofit groups.

Now, however, Plaintiffs face a dire threat. Florida has passed new laws empowering the Governor and a handful of state officials to designate U.S. entities, including nonprofits, as “domestic terrorist organizations” (“DTOs”). This first-of-a-kind state designation regime allows officials to designate a U.S. group as a “DTO” without a hearing, without a neutral decisionmaker, and on the basis of secret evidence—or no evidence whatsoever. Designation requires nothing more than accusations; proof and truth are afterthoughts. Once an organization is designated, state law makes it virtually impossible for it to continue operating in Florida—on pain of severe criminal punishment.

Unless this Court intervenes, Florida officials will designate CAIR as a DTO in a matter of days. There is a substantial risk that CAIR-Florida will also be designated.

For Plaintiffs, the effects of designation will be instant and debilitating. As soon as they are designated, they will be caught in a kaleidoscope of criminal

prohibitions that will stop them from carrying out even their most basic functions in the state. Put bluntly, designation will completely shut down Plaintiffs' advocacy and shut off their lights in Florida. What's more, designation will brand Plaintiffs with one of the most stigmatizing, infamous labels known to society. They will be harmed irreparably.

The State's impending designation is unmoored from reality. Plaintiffs are ordinary corporations organized under the laws of Florida and the District of Columbia. They do not engage in "terrorist activity." Like other nonprofits, they hold community events, post educational materials on social media, opine on elected leaders, and represent clients in civil rights lawsuits. They have not committed, or even been charged with, a crime.

There was never a doubt that Florida officials would abuse this new statutory power by turning it against Plaintiffs. Governor DeSantis, other executive officials, and legislators have made their views public and plain: they see Muslims as a threat. Plaintiffs are among the most prominent Muslim organizations in the country, and they have been sharply critical of Florida elected officials, including the Governor. Unsurprisingly, they are at the top of the hit list.

Florida's new designation scheme violates the First and Fourteenth Amendments. Therefore, Plaintiffs respectfully request that this Court temporarily restrain and preliminarily enjoin Defendants from designating them as DTOs and

from enforcing laws related to that designation.

FACTS

I. Florida’s New Designation Regime

On April 6, 2026, Governor DeSantis signed HBs 1471 and 1473 into law. Carlo-Gonzalez Decl., Ex. 1.³ Together, these laws empower a small group of Florida executive officials to designate U.S. entities, including nonprofits, as “DTOs”—based on secret evidence or no evidence at all. On July 1, the laws went into effect.

Designation under Florida’s new statutory regime has immediate, severe consequences. Many are criminal. For example, it is now a felony, punishable by up to 30 years in prison, to knowingly provide a designated DTO with “material support”—including by working for the organization or providing the organization with a service. Fla. Stat. § 775.33(3), (5)(a).⁴ Separately, designated DTOs are now “criminal gangs” by definition, *id.* § 874.03—subjecting them and people who associate with them to the array of prohibitions and penalties in Florida Statutes Chapter 874. For instance, it is a felony, punishable by up to life in prison, for “any person” to knowingly “initiate[], organize[], plan[], finance[], direct[], manage[], or supervise[]” activity intended to “benefit, promote, or further the interests” of a

³ “Ex.” means exhibits to the Carlo-Gonzalez Declaration.

⁴ Unless otherwise noted, all internal quotation marks and citations are omitted.

designated organization. *Id.* §§ 874.10, 874.03(4)(a). Under Florida law, “[t]he word ‘person’ includes . . . corporations.” *Id.* § 1.01(3). Thus, both Plaintiffs and others who initiate activity to further Plaintiffs’ faith-driven civil rights mission are subject to felony charges.

There are numerous other penalties imposed on the organization; its employees, board members, and supporters; and others who work to advance the organization’s mission. *See, e.g., id.* § 874.08 (authorizing immediate seizure of all “proceeds” and “instrumentalities” of activity intended to further interests of DTO), § 874.11 (prohibiting use of electronic communications to advertise presence in community to further interests of DTO), § 823.05(2) (defining “criminal gang” as per se “public nuisance” and subjecting it to abatement and enjoinder). For nonprofit advocacy organizations like Plaintiffs, these consequences are debilitating.

The criteria for designation as a DTO are broad, and the process is cursory. Florida’s Chief of Domestic Security, Defendant Glass, may designate an organization if he “finds” that the organization satisfies three criteria: (1) it is based or operates anywhere in the United States; (2) it is “engaging in terrorist activity”; and (3) that activity is “an ongoing threat to the security of [Florida] or the United States.”⁵ *Id.* § 943.03102(1)(a)1.

⁵ “[T]errorist activity” means any activity that (1) involves “a violent act or an act dangerous to human life which is a violation of the criminal laws of [Florida] or of the United States” or (2) violates the Florida Computer Crimes Act, and is intended

Under the DTO regime, these findings need not be based on evidence of criminal wrongdoing or other culpable conduct—or, indeed, any evidence whatsoever. *Id.* Mere allegations suffice.

Nor does the DTO regime require the Chief of Domestic Security to submit his “findings” to a neutral decisionmaker before the designation takes effect. Instead, his next step is to notify the Governor and Cabinet. *Id.* § 943.03102(2)(a). This notice “must be accompanied by a summary of the basis for [the] designation.” *Id.* Seven days after receiving the notice, the Governor and Cabinet may approve or reject the designation. *Id.* § 943.03102(2)(d).

If they approve, the Chief of Domestic Security must publish the designation in the Florida Administrative Register. *Id.* § 943.03102(2)(e). At that point, the designation becomes effective. *Id.* § 943.03102(1)(b).

The designated organization has no say. Under the DTO regime, the Chief of Domestic Security’s “notice of intent” to designate “must be delivered or furnished to the organization.”⁶ *Id.* § 943.03102(2)(b)(1). But the law does not require the State

to “[i]ntimidate, injure, or coerce a civilian population,” “[i]nfluence the policy of a government by intimidation or coercion,” or “[a]ffect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.” Fla. Stat. § 775.30(1)(a).

⁶ There’s a caveat: an organization is entitled to this notice only if it has a readily discernable location and notice can be safely delivered. Fla. Stat. § 943.03102(2)(b). The DTO regime does not specify who determines whether the notice can safely be delivered, nor does it set a deadline.

to inform the organization of the reasons or evidence for its impending designation. *Id.* (notice “need not” include the Chief of Domestic Security’s written findings). Similarly, *if* officials choose to hold a “public meeting” on the designation, they must provide the organization with the meeting’s “date, time, and location.” *Id.* § 943.03102(2)(b)(2). But the law does not require a meeting, does not specify whether an organization would have the opportunity to meaningfully object at it, and does not involve a neutral decisionmaker in any meeting.

After the designation is published—*i.e.*, once it becomes effective—the designated organization may file a “challenge” in state circuit court within 30 days. *Id.* § 943.03102(2)(f). An organization may also “petition” the Florida Department of Law Enforcement to remove a designation. *Id.* § 943.03102(3)(a). As to both, the DTO regime does not specify the standard of review, establish a burden of proof, identify which party bears the burden of proof, require the state to disclose its evidence (if any), or identify the applicable procedural or evidentiary rules. Indeed, state officials have the power to prevent the written bases for designation from ever seeing the light of day—whether through a public meeting, a public records request, or even a court order. *See id.* § 943.03102(2)(c), (f), (g).

II. Plaintiffs’ Impending Designations

Plaintiffs CAIR and CAIR-Florida are nonprofits incorporated in Washington, D.C. and Florida, respectively. Mitchell Decl. ¶ 11; Ruiz Decl. ¶ 5. As noted above,

they share a faith-driven mission: to enhance the public’s understanding of Islam, protect civil rights, promote justice, and empower American Muslims. Mitchell Decl. ¶ 2; Ruiz Decl. ¶ 6. They pursue this mission in Florida through public advocacy, community and interfaith organizing, and litigation. Mitchell Decl. ¶¶ 3–4, 12–30; Ruiz Decl. ¶¶ 6–24.

Plaintiffs are part of American society and have participated in U.S. civic life for decades; CAIR is the country’s largest Muslim civil liberties and advocacy organization. Mitchell Decl. ¶ 2. Plaintiffs have never been charged with—let alone convicted of—a crime. *Id.* ¶ 7; Ruiz Decl. ¶ 37. They most certainly are not engaging in terrorist activity. Mitchell Decl. ¶ 7; Ruiz Decl. ¶ 37.

Nevertheless, Plaintiffs have become the target of Florida officials’ ire. These officials, Governor DeSantis lead among them, have made anti-Muslim rhetoric a central plank of their political messaging. They are open about their views: they consider Muslim beliefs incompatible with, and a threat to, their “way of life.”

Predictably, these officials are turning the DTO regime against Plaintiffs. On July 1, 2026, Governor DeSantis publicly confirmed that the process for designating CAIR as a DTO is underway, and the State intends to make the designation effective. Exs. 25–28. There is a substantial risk that CAIR-Florida will imminently be designated as well, as Governor DeSantis admitted in discovery in *CAIR-Foundation, Inc. v. DeSantis*, No. 4:25-cv-516-MW/MJF, that he also considers

CAIR-Florida a “terrorist organization.” Ex. 4.

The Governor and Cabinet intend to approve CAIR’s designation at the earliest opportunity—July 8. Indeed, Governor DeSantis already issued an executive order purporting to “designate” CAIR as a “terrorist organization.” Ex. 5. He then publicly stated that he wanted the Legislature to “codify these protections for Floridians against CAIR.” Ex. 6. After the Legislature passed HB 1471, Governor DeSantis publicly confirmed that he intended to ensure that CAIR would be designated under the DTO regime. Ex. 2 at 4:14–5:22; Ex. 3 at 6:38–7:11. His July 1 announcement confirmed the same. Exs. 25–28.

Designation will inflict immediate, grievous, and irreparable harm on Plaintiffs. Once the designation becomes effective, it will be virtually impossible for Plaintiffs—or their employees—to continue their civil rights advocacy work in Florida and for Floridians. That is the DTO regime’s intended effect, and it is why Plaintiffs seek emergency relief.

LEGAL STANDARD

A TRO or preliminary injunction is appropriate when: (1) the movant is substantially likely to succeed on the merits, (2) the relief sought is necessary to prevent irreparable injury, (3) the movant’s threatened injury outweighs the harm that the relief would cause the non-movant, and (4) the relief sought “would not be

averse to the public interest.” *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034–35 (11th Cir. 2001). Plaintiffs satisfy all four factors.

ARGUMENT

I. Plaintiffs are substantially likely to succeed on the merits.

A. The DTO regime and Plaintiffs’ impending designations violate the First Amendment.

1. The DTO regime vests excessive discretion in Florida’s executive branch to suppress disfavored speech and association.

The DTO regime violates the First Amendment because it vests excessive discretion in Florida’s executive branch to paralyze civil society organizations and to suppress disfavored speech and association before they occur. *See Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 71 (1971). The DTO regime contains no meaningful pre-designation notice requirement, no evidentiary requirements, no standard of proof, and no requirement of a meaningful hearing before a neutral decisionmaker. Executive officials are free to punish and debilitate any organization that expresses disfavored views, based merely on allegations of wrongdoing.

That is precisely what is happening here: Plaintiffs are established civil society organizations that do not engage in terrorist activity. Yet on nothing more than the executive branch’s say-so, their impending designation will prevent Plaintiffs’ speech, advocacy, and association in Florida. A corporation can only act through its employees, but a DTO’s employees are “personnel,” and their work for the DTO

would be “material support.” *Id.* § 775.33(3), (5)(a). Moreover, any person who “initiates” activity to “further the interests of” the DTO commits a felony, punishable by up to life in prison. If Plaintiffs’ designations become effective, they will not be able to have employees, receive services or money, or engage in any organization-related activity. Plaintiffs will no longer be able to associate with each other, provide legal representation, or advocate in the state. Mitchell Decl. ¶¶ 37–46, 53–56, 58; Ruiz Decl. ¶¶ 38–55.⁷ In the absence of this Court’s intervention, Plaintiffs will become non-entities in Florida. Their speech will not merely be chilled; it will be frozen. *See Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976) (prior restraint involves “immediate and irreversible sanction,” without the “panoply of protections” of criminal process).

Because the DTO regime will prevent CAIR’s Florida-based speech and will prevent CAIR-Florida from speaking altogether, it is a prior restraint—the most disfavored type of speech restriction, which the Supreme Court has described as “the essence of censorship.” *Near v. Minnesota ex rel. Olson*, 283 U.S. 697, 713 (1931). And the DTO regime is all the more repugnant to the First Amendment because of

⁷ As explained above, the DTO regime penalizes CAIR both directly and indirectly, by imposing penalties on its board members, employees, and people who associate with it in furtherance of its mission. These indirect penalties—which coerce third parties into suppressing CAIR’s speech and disassociating from CAIR—are just as significant. *See, e.g., NRA v. Vullo*, 602 U.S. 175, 190 (2024).

the breadth of discretion it grants Governor DeSantis, the Cabinet, and the Chief of Domestic Security to select disfavored nonprofits for destruction.

Schemes vesting executive officials with discretionary power to suppress speech are unconstitutional prior restraints. One of the canonical examples comes from *Bantam Books*, where the Court held unconstitutional a Rhode Island law establishing a “Commission to Encourage Morality in Youth.” 372 U.S. at 59, 71. By statute, the commission had the duty to educate the public about obscene books, and to investigate and recommend prosecution for related statutory violations. After the commission unilaterally deemed a book title obscene, it would send a notice so informing the book distributor; a local police officer would typically follow up with the distributor about the notice. *Id.* at 62. The scheme predictably resulted in the distributor halting further circulation of the targeted books. *Id.* at 63–64. In practical terms, the commission wielded extraordinary discretion to suppress speech without a judicial finding of illegality. The Court held that this scheme amounted to “a system of prior administrative restraints . . . bearing a heavy presumption against its constitutional validity,” because “the Commission is not a judicial body and its decisions to list particular publications as objectionable do not follow judicial determinations that such publications may lawfully be banned.” *Id.* at 70. So too, here.

“[S]tatutes may not give public officials ‘unbridled’ discretion to deny

permission to engage in constitutionally protected expression. This implies that some measure of discretion is acceptable, but . . . virtually any amount of discretion beyond the merely ministerial is suspect.” *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358, 1362 (11th Cir. 1999); *see also Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150 (1969) (holding unconstitutional an ordinance that conferred “virtually unbridled and absolute power” upon city officials to prohibit demonstrations); *accord, e.g., Atlanta J. & Const. v. City of Atlanta*, 322 F.3d 1298, 1310 (11th Cir. 2003) (“A grant of unrestrained discretion to an official responsible for monitoring and regulating First Amendment activities is facially unconstitutional.”); *Fly Fish, Inc. v. City of Cocoa Beach*, 337 F.3d 1301, 1313 (11th Cir. 2003) (enjoining licensing statute because it conferred unbridled discretion on city officials “to decide which statutes or ordinances apply” and “whether the applicant has violated those laws”).

The dangers inherent in these discretionary determinations are compounded by the DTO regime’s dearth of procedural protections. In *Bantam Books*, the Supreme Court acknowledged that states have the power to regulate obscenity; however, in doing so, “a State is not free to adopt whatever procedures it pleases.” 372 U.S. at 66 (citation omitted). To prevent the infringement of First Amendment rights, the Court underscored that “the most rigorous procedural safeguards” are of “vital necessity.” *Id.* at 65–66. Those safeguards are noticeably absent from the DTO

regime. Here, as in *Bantam Books*, officials involved in the designation are “not a judicial body”; there “is no provision whatever for judicial superintendence before notices issue”; and organizations are “not even entitled to notice and hearing before [their speech is] listed by the Commission as objectionable.” *Id.* at 70–71; *see also* Section I.B, *infra* (discussing DTO regime’s lack of due process).

Because the DTO regime vests excessive discretion in executive branch officials to restrict the speech and association of domestic organizations they disfavor—allowing the Governor and Cabinet to play judge, jury, and nonprofit executioner—it violates the First Amendment.

2. The impending designations target Plaintiffs because of their viewpoint and in retaliation for their protected activity.

The DTO regime’s susceptibility to abuse is already manifest. Plaintiffs’ impending designation is blatantly a viewpoint discriminatory restriction on their speech. This “egregious” form of discrimination based on the speaker’s “motivating ideology, opinion, or perspective” is subject to strict scrutiny and presumptively unconstitutional. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 820, 829 (1995).

The State Executive Defendants seek to apply the DTO regime in a viewpoint-discriminatory manner, targeting Plaintiffs based on their ideology, opinion, and perspective. Florida officials, including Governor DeSantis and Cabinet members, have made no secret of their hostility to Islam, to Palestinian human rights advocacy,

and to Plaintiffs’ speech on these topics. Because Plaintiffs are not engaged in terrorist activity of any kind, Mitchell Decl. ¶ 7; Ruiz Decl. ¶ 37, the State Executive Defendants’ only basis for designating them under the DTO regime is their disapproval of the organizations’ viewpoint and advocacy.

First, Plaintiffs’ advocacy work includes efforts to combat Islamophobia and anti-Muslim discrimination. Mitchell Decl. ¶¶ 15–20; Ruiz Decl. ¶¶ 9–13, 17–20. In November 2023, during a nationally televised debate, Governor DeSantis referred to efforts to combat Islamophobia as addressing “so-called Islamophobia” and stated that harassment of Muslims in the country was not a real issue. Ex. 7. This assertion was factually incorrect and signaled hostility to Plaintiffs’ faith and advocacy.

Second, in October 2023, state officials, working with Governor DeSantis, ordered the deactivation of Students for Justice in Palestine (“SJP”) chapters at state universities. Plaintiffs’ work includes direct legal representation of, and advocacy for, the students whose First Amendment freedoms were infringed as a result. Mitchell Decl. ¶¶ 25–26; Ruiz Decl. ¶ 21. They sued Governor DeSantis and others to vindicate those freedoms. *See Students for Justice in Palestine at Univ. of S. Fla. v. DeSantis*, No. 1:23-cv-281 (N.D. Fla.). Plaintiffs also frequently comment on other issues related to Palestinian rights. *See, e.g.*, Mitchell Decl. ¶¶ 27–30; Ruiz Decl. ¶¶ 22–24; Exs. 8–11.

Third, Florida officials, including Governor DeSantis and Cabinet members, have increasingly expressed hostility toward Muslim religious practices, falsely characterizing Muslim religious tenets as a Sharia “threat.” In fact, Sharia is not a unitary, codified legal system but a personal moral and spiritual framework that guides Muslims in their daily lives, and addresses matters such as prayer, charity, civic engagement, and family life. Mitchell Decl. ¶ 20. In its educational materials, CAIR explains that when Muslims pray to God five times a day, donate to charity, fast in Ramadan, or speak up against injustice, among many other practices, they are observing Sharia—just as Jews observe Halacha and Catholics abide by canon law. *Id.*

Yet Governor DeSantis has repeatedly linked CAIR with a false Sharia threat, demonstrating hostility to Plaintiffs on the basis of their speech and viewpoint. For example, on April 9, 2026, he posted a graphic about “BANNING SHARIA LAW,” and underneath, boasted that he had designated CAIR as a “terrorist organization” in Florida. Ex. 19. Similarly, in a December 9, 2025 social media post, he said the Legislature was working “to stop the creep of sharia law, and I hope that they codify these protections for Floridians against CAIR and the Muslim Brotherhood in their legislation.” Ex. 6.

These are not isolated incidents. Florida officials, including the Governor and Cabinet, have repeatedly sought to portray Sharia as a dire threat to Floridians that

must be suppressed—demonstrating their hostility to Plaintiffs’ speech and civic participation as Muslim advocacy organizations. For instance, in October 2025, Governor DeSantis endorsed HB 119 (the “No Shari’a Act”). Ex. 12. In response, Plaintiffs issued a joint press release opposing the bill and sharply criticizing the Governor’s endorsement of it as anti-Muslim and harmful to religious freedom. Ex. 13. That month, according to a news article, all three Cabinet members questioned the legality of “steer[ing] taxpayer-funded scholarships to private Islamic schools that they contend undermine ‘Western’ values.” Ex. 14. Their criticisms rested on Sharia, which Attorney General Uthmeier characterized as “seek[ing] to destroy and supplant the pillars of our republican form of government.” *Id.*; Ex. 15 (Simpson amplifying Uthmeier statement). And in HB 1471, the Legislature prohibited the judicial application of religious law and what it calls “Sharia law” in particular. Fla. Stat. § 2.05. The bill identified no other religious law by name, and Governor DeSantis made clear that the bill targeted Sharia. Ex. 17.

At a press conference held after Governor DeSantis signed the bill, he stood behind a podium bearing a “no” symbol over the words “SHARIA LAW”—reflecting Islamophobia, hostility to Plaintiffs’ views, and opposition to the values of religious freedom and tolerance Plaintiffs advance. Ex. 2.

Likewise, Attorney General Uthmeier has made clear that practicing Muslims are not welcome in Florida, stating on Newsmax that he viewed HB 1471 as a

response to “a surge of Muslims in this country that are pushing Sharia law . . . trying to attack western civilization.” Ex. 18 at 1:46–2:12. Even if “we’re not Dearborn, Michigan,” he said—referring to the American city with the largest proportion of Muslim residents—“it’s important here for us to always be proactive.” *Id.*; *see also* Ex. 16 (DeSantis post falsely implying that Islam permits honor killings). The message from key Florida officials responsible for the designation decision is clear: Muslims are not only unwelcome, but dangerous.

Plaintiffs, of course, are prominent Muslim organizations. Through their public and legal advocacy, they have sought to counter misinformation about Islam and Sharia and have been sharply critical of Florida officials’ attempts to demonize their faith. Mitchell Decl. ¶¶ 15–18; Ruiz Decl. ¶¶ 17–20; Exs. 8–11.

Plaintiffs’ faith and highly visible advocacy have placed them directly in Florida officials’ crosshairs. First came Executive Order 25-244, in which Governor DeSantis falsely decreed CAIR to be a “terrorist organization” and instructed state agencies to cut off benefits to anyone who provided CAIR with “material support.” Ex. 5.

Yet the Governor and other officials were concerned—rightly—about the order’s ability to withstand judicial scrutiny. *See* Ex. 20 at 76:1–2 (Sen. Erin Grall: “there’s an open question about what our governor will be able to do through executive order”). The Governor’s office had helped draft the Senate companion to

the House bills that were ultimately enacted as the DTO regime. Ex. 21. Representative Hillary Cassel, the House bills’ sponsor, stated that she supported the Executive Order and wanted to “create a due process”—albeit not “a judicial process”—“for these organizations” to be designated. Exs. 22–23. Rep. Cassel’s bills became the DTO regime: a set of unprecedented statutes that attempt to salvage the designation power asserted in the Executive Order, while making the consequences of designation even harsher and applying a fig leaf of procedural regularity.

The DTO regime’s purpose, like the Executive Order before it, is to shut down Plaintiffs because of official hostility to their religious views, speech, and advocacy. Last month, Governor DeSantis described HB 1471 as an “anti-Sharia bill . . . that allows law enforcement to identify and then we can ratify, the Governor and the Cabinet, designated terror organizations,” such as the “Council of [sic] American Islamic Relations.” Ex. 3 at 6:38–7:11; *see also* Ex. 24 at 1:00–1:06 (DeSantis describing HB 1471 as part of government’s goal of “not allowing Islamist groups to get public money from things in Florida”). Lieutenant Governor Collins openly acknowledged that the DTO regime targets “groups aligned with ideologies that are not commensurate or consistent with our Constitution and way of life,” and that Florida will “designate, defund, and dissolve people who don’t stand for our values.” Ex. 2 at 13:35–52, 14:41–55. That is viewpoint discrimination.

The State’s discriminatory implementation of the DTO regime is not narrowly tailored to advance a compelling state interest. Plaintiffs do not engage in terrorist activity. Mitchell Decl. ¶ 7; Ruiz Decl. ¶ 37. Even if the State has an interest in criminalizing and sanctioning terrorism—which the federal government already more than adequately does—its viewpoint-discriminatory designation of Plaintiffs does not “actually further[]” that interest. *Holt v. Hobbs*, 574 U.S. 352, 364 (2015). And nothing about the DTO regime or Plaintiffs’ designation is “narrowly tailored”: the law is designed to allow Florida’s executive branch to designate any organization it disfavors for destruction, based on nothing more than allegations. Even if the organization—here, two civil rights nonprofits—eventually prevails in challenging the designation in court, it will be incapacitated for weeks or months as the organization, its employees, board members, volunteers, and other third parties face an array of punishments for acting to advance its mission. Mitchell Decl. ¶¶ 57–60; Ruiz Decl. ¶¶ 56–61. Moreover, Florida law *already* criminalizes terrorism, facilitating or furthering terrorism, and providing material support to a foreign terrorist group—along with aiding, abetting, and conspiring to commit those crimes. Fla. Stat. §§ 775.30, 775.31, 775.33(3), 777.011, 777.04. The DTO regime is not tailored to any problem—it is instead a loaded weapon, giving Florida’s executive branch the means to shut down disfavored groups. The First Amendment does not permit that result.

For the same reasons, the impending designations of Plaintiffs as DTOs are retaliatory. To prevail on a First Amendment retaliation claim, a plaintiff must show that “(1) [its] speech was constitutionally protected, (2) [it] suffered adverse conduct that would likely deter a person of ordinary firmness from engaging in such speech; and (3) there was a causal relationship between the adverse conduct and the protected speech.” *Jarrard v. Sheriff of Polk Cnty.*, 115 F.4th 1306, 1315–16 (11th Cir. 2024).

Plaintiffs are substantially likely to prevail in establishing each of these elements. First, Plaintiffs’ speech and advocacy are unquestionably protected. Second, the impending designations will profoundly impair Plaintiffs’ speech and advocacy: designation will force an immediate halt to all of Plaintiffs’ operations in Florida, including their advocacy and the representation of clients in ongoing legal proceedings, and it will significantly hinder CAIR’s operations nationwide. Mitchell Decl. ¶¶ 37–56; Ruiz Decl. ¶¶ 40–55. Third, the evidence discussed above establishes the causal relationship between the State Executive Defendants’ designation of Plaintiffs and their protected speech. As Governor DeSantis’s statements make plain, he, the Chief of Domestic Security, and the Cabinet speak with one voice on this issue, and the Cabinet shares his intention to retaliate against and discriminate against Plaintiffs because of their speech, views, and advocacy.

3. The impending designations violate Plaintiffs’ freedom of association.

The Supreme Court has “long understood as implicit in the right to engage in

activities protected by the First Amendment a corresponding right to associate with others.” *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984). Freedom of association “is especially important in . . . shielding dissident expression from suppression by the majority.” *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 606 (2021) (citation omitted). Plaintiffs engage in the type of expressive association at the heart of the First Amendment: through legal advice and representation, education, community organizing, and advocacy, they seek to promote religious tolerance and understanding, cultural education, civil rights, and public policy that protects and enhances the equal treatment of Muslims in the United States. The designation of Plaintiffs under the DTO regime, and the array of penalties imposed on Plaintiffs and those who associate with them, violate Plaintiffs’ right to association.

As Plaintiffs have explained, their impending designation will paralyze Plaintiffs’ operations in Florida. The DTO regime threatens the organizations directly and immediately with criminal liability if they “initiate[], organize[], plan[], finance[], direct[], manage[], or supervise[]” any “activity committed with the intent to benefit or further the interests of” Plaintiffs. Fla. Stat. §§ 1.01(3), 874.10, 874.03(4)(a). And it threatens Plaintiffs’ employees, board members, volunteers, and others who do the same, *id.*—or who provide any form of material support to CAIR or CAIR Florida, including by providing services or engaging in work on their behalf, *id.* § 775.33(3), (5); *see also, e.g.*, § 943.03102(4)(b)–(c) (prohibiting state

and municipal entities from spending appropriated funds “to support” any “member” of designated organizations).

As a result, at a minimum, “exacting scrutiny” applies: there must be “a substantial relation between [the burden] and a sufficiently important governmental interest,” and the designation of Plaintiffs must be narrowly tailored to the asserted interest. *Ams. for Prosperity Found.*, 594 U.S. at 607–08; *id.* at 609 (narrow tailoring critical because “First Amendment freedoms need breathing space to survive” (citation omitted)). The State Executive Defendants’ designation of Plaintiffs fails this test.⁸ There is no relationship at all between the burden here and a sufficiently important government interest, because Plaintiffs do not engage in terrorist activity. The State Executive Defendants’ mere allegation, bereft of any criminal process, does not establish that interest. And nothing about the DTO regime or Plaintiffs’ designation is “narrowly tailored.” *See* Section I.A.2, *supra*.

B. The DTO regime and Plaintiffs’ impending designations violate the Fourteenth Amendment.

Plaintiffs will also prevail on their procedural due process claim.

Procedural due process claims have two elements: “deprivation by state action of a protected interest in life, liberty, or property,” and “inadequate state process.”

⁸ Given the nature and degree of the burden the designation imposes—which far outstrips the “risk of chill” from the disclosure requirements in *Americans for Prosperity Foundation*, 594 U.S. at 617–18—Plaintiffs submit that strict scrutiny is appropriate. Regardless, the designation of Plaintiffs fails even exacting scrutiny.

Reed v. Goertz, 598 U.S. 230, 236 (2023); *see also Howard v. Coonrod*, 134 F.4th 1136, 1149 (11th Cir. 2025).

If any case satisfies those requirements, this one does. Executive officials have—wrongly—accused Plaintiffs of a serious crime: engaging in terrorist activity. Based on that accusation, the same officials plan to designate Plaintiffs as “DTOs.” The consequences of designation will be devastating. Yet the procedural protections available to Plaintiffs are parchment-thin. The Constitution requires more.

1. Designation will deprive Plaintiffs of protected liberty and property interests.

Designation under the DTO regime will deprive Plaintiffs of protected liberty and property interests by: (1) infringing their right to speak, associate, and petition the government for redress; (2) impairing the most basic functions of their corporate existence, including their ability to act through their employees and to use their assets held by third parties; and (3) dragging their good names through the mud. Together, these consequences will “cripple the functioning and damage the reputation[s] of” Plaintiffs “in their respective communities and in the nation.” *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 139 (1951); *see also Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 572 (1972) (“Without doubt,” the term “liberty” “denotes not merely freedom from bodily restraint but also the right of the individual to contract, [and] to engage in any of the common occupations of life.”); *N. Ga. Finishing, Inc. v. Di-Chem, Inc.*, 419 U.S. 601, 606 (1975) (impoundment of

corporation’s bank account “without notice or opportunity for an early hearing and without participation by a judicial officer” violated procedural due process).

a. Designation will violate Plaintiffs’ right to speak, associate, petition, and obtain legal counsel.

Designation will infringe Plaintiffs’ freedom of speech and association guaranteed by the First Amendment. It will also infringe Plaintiffs’ rights to petition and to legal counsel guaranteed by the First and Fourteenth Amendments. Even if designation would inflict no other harms, these infringements would be sufficient to entitle Plaintiffs to constitutionally adequate process. *See Benning v. Comm’r, Ga. Dep’t of Corrs.*, 71 F.4th 1324, 1329 (11th Cir. 2023) (holding that a right “grounded . . . in the First Amendment” is a due-process liberty interest). But they are not the only harms Plaintiffs will suffer.

b. Designation will impair essential functions of Plaintiffs’ corporate existence.

Upon designation, Plaintiffs will immediately be unable to engage in ordinary activities fundamental to their existence in Florida—things that are otherwise perfectly legal, and without which they cannot survive. There are two central reasons. First, designation will subject Plaintiffs to Florida’s criminal prohibition on providing “material support” to “DTOs.” Second, designation will subject Plaintiffs to Florida’s criminal prohibition on “criminal gang activity.” Fla. Stat. §§ 874.03(4)(a), 874.03(7), 874.10.

Start with material support. In Florida, providing material support to a designated DTO is a felony, punishable by up to 30 years' imprisonment. *Id.* § 775.33(3). Material support can take many forms; one way of providing a designated organization with material support is to provide it with “personnel”—including oneself. *Id.* § 775.33(5)(a). This means that, once Plaintiffs are designated, it will be a serious crime for Plaintiffs' employees, officers, and directors to knowingly do their jobs: if they do, they will be providing Plaintiffs with “personnel.” *Id.* If Plaintiffs' personnel are subject to prosecution for doing their jobs, Plaintiffs will be unable to function.

A “service,” too, is a form of prohibited “material support.” *Id.* § 775.33(1)(d). Once Plaintiffs are designated, providing them with a “service” will also become a felony. *Id.* § 775.33(3). It will be a serious crime for banks, phone companies, internet service providers, retirement account administrators, financial advisors, lawyers, and others to knowingly provide Plaintiffs services. Plaintiffs cannot operate without services like these.

Besides Florida's material-support prohibition, designation will immediately make Plaintiffs subject to Florida's Criminal Gang Prevention Act. *Id.* § 874.03(7)(a). Under that law, anyone who knowingly “initiates, organizes, plans, finances, directs, manages, or supervises” any activity intended to “benefit, promote, or further” Plaintiffs' “interests” will be subject to severe criminal punishment—up

to life imprisonment. *Id.* §§ 874.03(4)(a), 874.10. If planning, initiating, and directing activities intended to promote their own interests is a crime, Plaintiffs cannot do anything, period. *See also, e.g., id.* §§ 823.05(2), 874.08.

All told, the overlapping criminal prohibitions that apply immediately upon designation will prevent or curtail Plaintiffs’ exercise of the corporate powers conferred on them by state law. *See id.* § 617.0302 (listing corporate powers, including rights to sue and appear and defend legal actions, enter into contracts, conduct affairs, and make donations); D.C. Code § 29–403.02 (listing similar corporate powers under D.C. law).

c. Designation will result in significant harm to Plaintiffs’ reputations.

Finally, designation will stigmatize Plaintiffs, causing them severe reputational harm. Mitchell Decl. ¶ 47; Ruiz Decl. ¶ 54. *Cf. Latif v. Holder*, 28 F. Supp. 3d 1134, 1150 (D. Or. 2014) (placement of U.S. persons on terrorism watchlist “carries with it the stigma of being a suspected terrorist”); *Paul v. Davis*, 424 U.S. 693, 708 (1976) (“Where a person’s good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and opportunity to be heard are essential.”).

2. The State Executive Defendants have denied Plaintiffs the process they are due.

“The fundamental requirement of due process is the opportunity to be heard

at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). To determine whether the state’s deprivation of a protected interest violates this fundamental requirement, courts weigh three factors: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Worthy v. City of Phenix City*, 930 F.3d 1206, 1223 (11th Cir. 2019).

All three factors decisively favor Plaintiffs. To begin, there should be no question that Plaintiffs’ interests are of the highest order. Plaintiffs face imminent designation, based on an erroneous assertion that they are engaged in heinous criminal activity. The State Executive Defendants also intend, based on this unproven assertion, to render it impossible for Plaintiffs to continue functioning in Florida, on pain of severe criminal penalties. Designation will grievously impair Plaintiffs’ operations and smear Plaintiffs’ reputations. Put differently, the State Executive Defendants’ public assertions, “regardless of their truth or falsity, are the practical equivalents of confiscation and death sentences.” *Joint Anti-Fascist Comm.*, 341 U.S. at 142 (Black, J., concurring).

Despite these grave consequences, the procedures established by the DTO

regime leave Plaintiffs—and other U.S. groups—with no significant protection against erroneous designation. **First**, the DTO regime does not require state officials to meet an evidentiary threshold before “finding” that U.S. organizations, including Plaintiffs, are engaged in terrorist activity that violates state or federal law. *See generally* Fla. Stat. § 943.03102. Rather, state officials may make the necessary finding based on any scintilla of evidence that happens to appeal to them, regardless of its reliability, bias, or probative value. *Id.* They may even find that U.S. organizations engage in terrorist activity based on no evidence at all. *Id.*

Second, prior to designation, the DTO regime does not require state officials to notify U.S. organizations of all the evidence—if any—against them. *See generally id.*; *see also Greene v. McElroy*, 360 U.S. 474, 496 (1959) (“[W]here governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government’s case must be disclosed to the individual so that he has an opportunity to show that it is untrue.”); *Joint Anti-Fascist Comm.*, 341 U.S. at 170 (Frankfurter, J., concurring) (“[F]airness can rarely be obtained by secret, one-sided determination of facts decisive of rights.”). In fact, organizations may not receive meaningful pre-designation notice at all, given that the DTO regime does not specify when that notice must be provided. Fla. Stat. § 943.03102(2)(b)(1)–(3). Instead, the State may choose to provide notice only moments before officials approve the designation, thwarting any opportunity for

meaningful pre-deprivation review. *See AARP v. Trump*, 605 U.S. 91, 94–95 (2025) (per curiam) (rejecting 24 hours’ notice for removal of alleged “alien enemies” and holding that “[d]ue process requires notice that is ‘reasonably calculated, under all the circumstances, to apprise interested parties’ and that ‘afford[s] a reasonable time . . . to make [an] appearance’” (quotation omitted)).

Third, the DTO regime does not afford U.S. organizations a pre-designation hearing before a neutral decisionmaker—or any pre-designation opportunity to meaningfully contest the “findings” against them. Fla. Stat. § 943.03102.

This failure is irreconcilable with decades of Supreme Court precedent. To guard against erroneous deprivation, the Court has generally required a meaningful hearing *before* the government takes away a constitutionally protected interest. *See Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (“[T]he Court usually has held that the Constitution requires some kind of a hearing before the State deprives a person of liberty or property.”); *Clev. Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (“[T]he root requirement of the Due Process Clause [is] that an individual be given an opportunity for a hearing before he is deprived of any significant property interest.”); *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971) (“[T]he right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society.” (citation modified)); *United States v. James Daniel Good Real*

Prop., 510 U.S. 43, 53 (1993) (“We tolerate some exceptions to the general rule requiring predeprivation notice and hearing, but only in *extraordinary situations* where some valid governmental interest is at stake that justifies postponing the hearing until after the event.” (citation modified, emphasis added)).

Consistent with this general rule, courts regularly require robust pre-deprivation hearings even when the government seeks to interfere with interests less weighty than Plaintiffs’. For example, before the federal government may seize property “used to commit or facilitate the commission of a federal drug offense,” the government must provide the property owner with an “adversary hearing.” *James Daniel*, 510 U.S. at 47, 53, 59; *id.* at 55 (“The purpose of an adversary hearing is to ensure the requisite neutrality that must inform all governmental decisionmaking.”); *see also Jones v. Flowers*, 547 U.S. 220, 223 (2006) (“Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner ‘notice and opportunity for hearing appropriate to the nature of the case.’”). Likewise, courts require robust notice and hearings before the government terminates welfare benefits, public employment, housing rights, or utility services. *Goldberg v. Kelly*, 397 U.S. 254, 267, 270 (1970) (welfare benefits); *Lindsey v. Normet*, 405 U.S. 56, 66 (1972) (housing and eviction context); *Goss v. Lopez*, 419 U.S. 565, 580 (1975) (school suspension); *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1, 19–20 (1978)

(cancellation of subsidized utility services); *Califano v. Yamasaki*, 442 U.S. 682, 696 (1979) (recovery of excess Social Security payments); *Loudermill*, 470 U.S. at 546 (public employment); *see also Barr v. Johnson*, 777 F. App’x 298, 303 (11th Cir. 2019) (holding government violated due process by shuttering business without pre-deprivation hearing).⁹

This case calls for no less.

Fourth, and finally, the post-deprivation procedures available to U.S. organizations under the DTO regime offer no prospect of meaningful redress. *After* designation, an organization has a narrow window to “challenge” the designation in state court. Fla. Stat. § 943.03102(2)(f). But by then, it will already have suffered devastating irreparable harm. Moreover, the post-designation “challenge” available to organizations under the DTO regime is procedurally inadequate in its own right. With respect to post-deprivation challenges, the DTO regime sets no evidentiary standards, assigns no burden of proof, does not ensure that designated organizations can access the evidence against them (such as it is), and makes it a crime for designated organizations’ employees to provide support in those proceedings—by,

⁹ Even when the *federal* government seeks to designate a *foreign* group with a bank account in the United States as a “terrorist organization,” due process requires the government to (1) inform the group of all non-classified evidence on which the impending designation is based, and (2) provide the group with a meaningful opportunity to rebut the evidence against it prior to its designation. *Nat’l Council of Resistance of Iran v. Dep’t of State*, 251 F.3d 192, 208–09 (D.C. Cir. 2001).

e.g., submitting declarations to establish basic facts about their employers' operations.

In sum, the DTO regime's safeguards against erroneous deprivation are illusory. Providing real ones, including a meaningful pre-deprivation hearing, would not undermine any legitimate state interest. As a practical matter, the administrative burden of additional procedures would be slight. More fundamentally, Florida's interest in preventing actual crime—the only legitimate interest that the State's wrongful designation could even arguably serve—is not undermined by providing the process that is due under the Constitution. “Due process standards inevitably” reduce the government's leeway to do as it wishes, “but that tells us no more than that the Constitution imposes burdens on the functioning of government and especially of law enforcement institutions.” *Breed v. Jones*, 421 U.S. 519, 537 n.15 (1975).

C. The DTO regime violates Plaintiffs' Fourteenth Amendment right to counsel.

The “right to retain counsel in civil litigation” and to defend oneself in one's legal proceedings “is implicit in the concept of” due process. *Potashnick v. Port City Constr. Co.*, 609 F.2d 1101, 1117 (5th Cir. 1980). “Historically and in practice, the right to a hearing has always included the right to the aid of counsel when desired and provided by the party asserting the right.” *Id.* at 1118 (citation omitted). Indeed, “[i]f in any case, civil or criminal, a state or federal court were arbitrarily to refuse

to hear a party by counsel, employed by and appearing for him,” it is beyond doubt that “such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense.” *Powell v. Alabama*, 287 U.S. 45, 69 (1932).

The DTO regime’s material support and criminal gang provisions deny Plaintiffs their right under the Fourteenth Amendment to retain and be represented by counsel. As explained above, the material support provision criminalizes providing any designated DTO with “material support or resources,” including any “service” or “expert advice or assistance.” Fla. Stat. § 775.33(1)(c)–(d), (3). And the Criminal Gang Prevention Act criminalizes any person or entity who knowingly “initiates, organizes, plans, finances, directs, manages, or supervises” an activity intended to “benefit promote or further the interests of a” designated organization. *Id.* §§ 874.10, 874.03(4)(a). On their face, both provisions prohibit the provision of legal services to designated organizations.

As soon as Plaintiffs’ designations become operative, it will be a felony for any person or organization to provide Plaintiffs with legal services. Because a lawyer threatened with severe criminal penalties for providing legal services to a certain entity is unlikely to do so, the material support and criminal gang provisions are substantially likely to prevent Plaintiffs from retaining counsel of their choice to represent them in pending and future legal proceedings. Even where Plaintiffs can retain counsel, forcing their lawyers to proceed with the threat of prosecution

hanging over them “cuts [the lawyers] off at the knees” and impermissibly “interferes with” their ability to represent Plaintiffs. *Susman Godfrey LLP v. Exec. Off. of President*, 789 F. Supp. 3d 15, 54 (D.D.C. 2025).

The harm here is especially pronounced because the prohibition on providing legal services becomes effective *before* Plaintiffs can seek judicial review of their designation. As explained above, the DTO regime does not provide any pre-designation process; the material support and criminal gang provisions’ criminal penalties become effective immediately upon a designation’s publication. Because the DTO regime only permits judicial review *after* a designation has been published, the blanket bar on providing legal services necessarily interferes with Plaintiffs’ right to meaningfully challenge their own designation.

Such an extraordinary outcome cannot be squared with the Fourteenth Amendment. Unilaterally designating Plaintiffs as DTOs without a hearing and then prohibiting them from “meaningfully challeng[ing] the designation through counsel” is the textbook definition of a due process violation. *Am. Airways Charters, Inc. v. Regan*, 746 F.2d 865, 874 (D.C. Cir. 1984). And preventing Plaintiffs from retaining counsel would also violate their due process rights in future proceedings. As nonprofit corporations, Plaintiffs may not represent themselves *pro se* and “cannot appear in a court of law without an attorney.” *Pomales v. Aklipse Asset Mgmt.*, 336 So.3d 785, 786 (Fla. 3rd DCA 2022). Denying Plaintiffs “the right to

retain counsel” thus is “tantamount to stripping [them] of [their] right to defend [themselves] in court” writ large. *Am. Airways Charters*, 746 F.2d at 873 n.14.

Because it is well-established that “‘governmental attempts to deny counsel to a civil litigant’ are invalid,” courts routinely find similar restrictions on attorneys’ provision of legal services unconstitutional under the Fifth and Fourteenth Amendments. *Susman*, 789 F. Supp. 3d at 54 (executive order punishing clients for retaining specified law firm impermissibly interfered with firm’s clients’ “ability to be represented by their chosen attorneys”); *see, e.g., Am. Airways Charters*, 746 F.2d at 873–74 (rejecting federal agency’s position that party could be completely prohibited from retaining counsel unless it first sought agency’s permission).

The material support and criminal gang provisions also violate Plaintiffs’ Fourteenth Amendment “right to counsel of choice” by unduly interfering with and burdening their ability to retain and be represented by chosen counsel. *In re BellSouth Corp.*, 334 F.3d 941, 955 (11th Cir. 2003). Allowing Plaintiffs to retain counsel of their choosing is a “basic element[] of the constitutional requirement of due process.” *Potashnick*, 609 F.2d at 118.¹⁰

The DTO regime’s blanket restrictions on Plaintiffs’ ability to retain counsel

¹⁰ A court “may deny a litigant the choice of counsel” only in narrow circumstances, after weighing multiple factors, none of which are relevant here. *MC3 Investments LLC v. Local Brand, Inc.*, 2023 WL 10407125, at *1 (N.D. Fla. Sept. 6, 2023).

will “adversely impact both [Plaintiffs’] ability to choose” counsel and counsel’s “ability to provide representation to Plaintiffs”; the DTO regime thus violates Plaintiffs’ right to counsel of choice. *Perkins Coie LLP v. DOJ*, 783 F. Supp. 3d 105, 171 (D.D.C. 2025); *see Jenner & Block LLP v. DOJ*, 784 F. Supp. 3d 76, 113 (D.D.C. 2025) (enjoining executive order that “would arbitrarily stymie [law firm’s] ability to represent its clients and, alongside it, [law firm’s] clients’ rights to choose their lawyers”).

D. The DTO regime violates Plaintiffs’ First Amendment right to counsel.

The DTO regime also violates Plaintiffs’ First Amendment rights to speak to, receive information from, and associate with counsel, and to petition the government for the redress of grievances under the First Amendment. The right to petition is “among the most precious of the liberties safeguarded by the Bill of Rights,” and includes the right of access to the courts. *United Mine Workers of Am. v. Ill. State Bar Ass’n*, 389 U.S. 217, 222 (1967). Indeed, “[t]he right to petition the government for redress of grievances is such a fundamental right as to be ‘implied by [t]he very idea of a government, republican in form.’” *DeMartini v. Town of Gulf Stream*, 942 F.3d 1277, 1288 (11th Cir. 2019) (alteration in original). The ability to retain and be represented by counsel in one’s legal proceedings implicates these fundamental rights. *United Mine Workers*, 389 U.S. at 223. Thus, courts heavily scrutinize laws that restrict a lawyer’s ability to “acquaint ‘persons with what they believe to be their

legal rights and [advise] them to assert their rights by commencing or further prosecuting a suit.’” *NAACP v. Button*, 371 U.S. 415, 434 (1963); *see also In re Primus*, 436 U.S. 412, 432 (1978). These concerns are especially acute for Plaintiffs, as they are nonprofit corporations and cannot proceed pro se. *Pomales*, 336 So.3d at 786.

For the reasons discussed in Section I.A, *supra*, the DTO regime’s restrictions on Plaintiffs’ speech and association—including with counsel—fail both strict and exacting scrutiny under the First Amendment. Even if Florida has an interest in depriving actual terrorist organizations of material support or in “regulat[ing] the professional conduct of attorneys,” it has no legitimate (let alone compelling) interest in wrongly accusing organizations of terrorist activities and then preventing them from retaining counsel to contest those accusations and “vindicate their legal rights” in court. *Bhd. of R.R. Trainmen v. Virginia ex rel. Va. State Bar*, 377 U.S. 1, 7 (1964). That Florida’s laws may be aimed at preventing “terrorism” does not transform the state’s traditional police power into a license for draconian restrictions on speech. *See* Section I.A, *supra*.

II. Plaintiffs Satisfy the Remaining Requirements for Emergency Relief.

A. Designation will cause Plaintiffs irreparable injury.

Designation will impair Plaintiffs’ constitutional rights, causing them irreparable injury. As explained above, designation will impair Plaintiffs’ exercise of

First Amendment rights. That alone satisfies the irreparable injury requirement. *Associated Builders & Contractors Fla. First Coast Chapter v. General Servs. Admin.*, 174 F.4th 26, 34 (11th Cir. 2026) (“[A]n ongoing deprivation of First Amendment rights constitutes a per se irreparable injury.” (citation modified)).

Designation will also severely damage Plaintiffs’ reputations and impair their ability to operate. Mitchell Decl. ¶¶ 37–56; Ruiz Decl. ¶¶ 48–56, 59. Among other things, designation will force Plaintiffs to shutter their operations in Florida, halting their advocacy in the state and interfering with their legal representation of clients in Florida—all under threat of criminal punishment. *See* Mitchell Decl. ¶¶ 39–46, 48–56; Ruiz Decl. ¶¶ 40–55. These injuries are both severe and unquantifiable, making them irreparable. *Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010); *ABC Charters, Inc. v. Bronson*, 591 F. Supp. 2d 1272, 1309 (S.D. Fla. 2008) (“The threat of criminal prosecution also constitutes irreparable harm.”); *Karem v. Trump*, 960 F.3d 656, 667–68 (D.C. Cir. 2020) (holding monthlong suspension of White House press credentials in violation of due process would inflict irreparable harm on journalist).

B. The balance of equities favors emergency relief.

“[D]amage to the opposing party and public interest” merge in this case against the government. *Otto v. City of Boca Raton*, 981 F.3d 854, 870 (11th Cir. 2020). The equities favor Plaintiffs. Plaintiffs will experience severe constitutional

injuries and unwarranted stigma if they are designated under the DTO regime. Nothing appreciable weighs on the State's side of the scale. As the Eleventh Circuit has recognized, the government has no interest in enforcing an unconstitutional law. *See KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006). Rather, "the public interest is served when constitutional rights are protected." *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019).

CONCLUSION

For all these reasons, the Court should grant Plaintiffs' motion.¹¹

Respectfully submitted July 2, 2026,

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¹¹ Plaintiffs request that the Court waive bond or require a nominal bond. *See Scott v. City of Daytona Beach*, 689 F. Supp. 3d 1160, 1170 (M.D. Fla. 2023) ("[T]he amount of security required by the rule is a matter within the discretion of the trial court, and the court may elect to require no security at all." (alterations in original omitted) (quoting *BellSouth Telecomms., Inc. v. MCIMetro Access Transmission Servs.*, 425 F.3d 964, 971 (11th Cir. 2005))).

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* *Pro hac vice motion forthcoming*

** *Pro hac vice motion pending*

Counsel for Plaintiffs

CERTIFICATE OF WORD COUNT

I certify that this memorandum contains 9,046 words.

Dated: July 2, 2026

/s/ Ashley Gorski

Ashley Gorski

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, today after filing, I will email this motion to all Defendants at the email addresses below.

I will also telephone the office of each State Executive Defendant to notify them of the email, at the phone numbers below. I will file a certificate of service after having taken these steps to notify Defendants.

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Dated: July 2, 2026

/s/ Ashley Gorski

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