



May 1, 2026

C. Edward Meadows  
Office of the President  
Pensacola State College  
1000 College Boulevard  
Pensacola, Florida 32504

**URGENT**

*Sent via Next-Day Delivery and Electronic Mail (president@pensacolastate.edu)*

Dear President Meadows:

FIRE's Student Press Freedom Initiative<sup>1</sup> is alarmed by Pensacola State College's efforts to interfere with the content of a magazine created by students in two classes ostensibly to comply with Florida's Stop WOKE Act.<sup>2</sup> This interference contravenes the college's First Amendment obligations and cannot be justified, even under the plain text of the statute PSC cites.

On April 22, 2022, Governor Ron DeSantis signed the Stop WOKE Act, a statute he said intended to prevent "tax dollars [from being] spent teaching kids to hate our country or to hate each other."<sup>3</sup> Student journalists tasked with creating an arts and culture magazine in a collaborative assignment between reporting and graphic design students planned to include

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<sup>1</sup> The Foundation for Individual Rights and Expression is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at [fire.org](https://fire.org). FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

<sup>2</sup> See FLA. STAT. §§ 1000.05, 1004.06. The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us.

<sup>3</sup> *Governor DeSantis Announces Legislative Proposal to Stop W.O.K.E. Activism and Critical Race Theory in Schools and Corporations*, EXEC. OFF. OF THE GOVERNOR (Dec. 15, 2021) <https://www.flgov.com/eog/news/press/2021/governor-desantis-announces-legislative-proposal-stop-woke-activism-and-critical> [<https://perma.cc/6WLN-7PVL>].

<sup>3</sup> Quincy Kirn, *Born for the Spotlight: The Rise of Vixen Valenti*

three stories that discussed queer issues: one profiling a drag queen,<sup>4</sup> another a queer bookstore,<sup>5</sup> and a third about the Pensacola Poets and the café that hosts their open mic nights.<sup>6</sup>

On April 29, 2026, Brenda Kelly, General Studies Associate Vice President of Academic Affairs, held a meeting with Professor Marisa Mills and told her that students could not publish the stories that contained LGBT+ content. Kelly explained that publishing this content could violate the Stop WOKE Act, specifically its prohibitions on funding advocacy “for diversity, equity, and inclusion”<sup>7</sup> and “instruction” in a public university or college that “espouses, promotes, advances, inculcates, or compels” a student “to believe” any viewpoint contained on an enumerated blacklist.<sup>8</sup> At the meeting, she shared Florida College System guidance on implementing these two provisions of the Stop WOKE Act.<sup>9</sup>

FIRE has challenged the Stop WOKE Act’s provisions in court, arguing that they amount to unconstitutional viewpoint discrimination and impinge on professors’ academic freedom.<sup>10</sup> A district court enjoined the State University System Board of Governors from enforcing the Stop WOKE Act, calling the law’s restrictions “dystopian.”<sup>11</sup>

The college’s demand that students not publish the articles in question is a textbook example of a prior restraint, “the most serious and the least tolerable infringement on” freedom of expression.<sup>12</sup> Such restraints present a risk to freedom of speech so great that the “chief purpose” in adopting the First Amendment was to prevent their use,<sup>13</sup> and they are valid only in the most extreme circumstances when needed to satisfy compelling government interests.<sup>14</sup> For example, the Supreme Court has struck down even prior restraints preventing the release of government documents classified for national security purposes.<sup>15</sup> If *national security* cannot justify such a restraint, complying with a constitutionally suspect state law cannot either.<sup>16</sup>

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<sup>4</sup> Quincy Kirn, *Born for the Spotlight: The Rise of Vixen Valentine* (n.d.) (unpublished magazine article, Pensacola State Coll.) (on file with author).

<sup>5</sup> Liliana Rollins, *Queer Stories, Rolling Forward: Perfect Day Books* (n.d.) (unpublished magazine article, Pensacola State Coll.) (on file with author).

<sup>6</sup> Lloyd Allotey, *Pensacola Poets* (n.d.) (unpublished magazine article, Pensacola State Coll.) (on file with author).

<sup>7</sup> FLA. STAT. §1004.06(2)(b).

<sup>8</sup> FLA. STAT. §1000.05(4)(a).

<sup>9</sup> See FLA. ADMIN. CODE §6A-14.0718; Memorandum re: Diversity, Equity and Inclusion (DEI) Spending from Kathryn Hedba, Florida College System Chancellor, to Florida College System Presidents (Dec. 19, 2025) (on file with author).

<sup>10</sup> See generally Complaint, *Novoa v. Diaz*, No. 4:22-cv-00324-AW/MAF (N.D. Fla. filed Sept. 6, 2022), available at <https://www.fire.org/research-learn/verified-complaint-declaratory-and-injunctive-relief-novoa-v-diaz>.

<sup>11</sup> *Pernell v. Fla. Bd. of Governors of State Univ. Sys.*, 641 F. Supp. 3d 1218, 1230 (N.D. Fla. 2022).

<sup>12</sup> *Neb. Press Ass’n. v. Stuart*, 427 U.S. 539, 559 (1976).

<sup>13</sup> *Near v. Minnesota*, 283 U.S. 697, 713 (1931).

<sup>14</sup> *Id.* at 716.

<sup>15</sup> *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971).

<sup>16</sup> See U.S. CONST. Art. VI, cl. 2 (establishing the Constitution as supreme over state law).

Moreover, PSC’s administration stepped into the classroom to order a professor censor her students. This violates the First Amendment’s protection for faculty pedagogy, which extends even to topics or viewpoints that some community members, or even the state legislature, may find objectionable.<sup>17</sup> Free speech is the “lifeblood of academic freedom,”<sup>18</sup> and the First Amendment “does not tolerate laws that cast a pall of orthodoxy over the classroom.”<sup>19</sup> Because of the Stop WOKE Act’s mandates, whole swaths of speech are verboten in Florida’s classrooms. PSC violates the First Amendment by enforcing this abuse.

Academic freedom provides faculty with substantial breathing room to decide how to approach subjects and materials relevant to their courses. Pedagogically relevant material may include words, concepts, subjects, or discussions that some administrators or students may find uncomfortable, but that are nevertheless important to advance understanding of the subject.<sup>20</sup> This is especially true in the context of journalism, where students are expected to learn how to responsibly report on what’s happening in their communities. If instructors are barred from guiding their students in reporting on a whole swath of the community, their instruction will suffer. In this way, the First Amendment, in protecting faculty members’ academic freedom, protects students’ education.

PSC’s imposition of a prior restraint on this expression is egregious censorship that cannot be justified by the college’s stated goal of complying with the Stop WOKE Act. Even the statutory text does not justify the college’s response. Section 1004.06(2)(b) requires only that colleges refrain from funding programs that engage in pro-DEI advocacy.<sup>21</sup> A magazine that publishes pieces on a whole host of issues is not in the business of promoting DEI, even if the publication occasionally publishes pieces that do so. Three pieces reporting on queer culture no more engage this magazine in pro-DEI advocacy than three pieces about Miami’s food scene make *The New York Times* the official food reviewer of South Florida.<sup>22</sup> PSC cannot justify censoring the publication using the plain text of § 1004.06.

Nor may it justify censoring the publication under § 1000.05, which prohibits discrimination on the basis of a protected class.<sup>23</sup> There is no evidence that Mills or her students impermissibly discriminated based on sexual orientation, race, or any other protected class in selecting and

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<sup>17</sup> See, e.g., *Hardy v. Jefferson Cmty. Coll.*, 260 F.3d 671, 680, 683 (6th Cir. 2001).

<sup>18</sup> *DeJohn v. Temple Univ.*, 537 F.3d 301, 314 (3d. Cir. 2008); see also *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995) (“For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital center for the Nation’s intellectual life, its college and university campuses.”).

<sup>19</sup> *Keyishian v. Bd. of Regents*, 385 U.S. 589, 683 (1967).

<sup>20</sup> See *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992) (holding a public university violated the First Amendment when it launched an investigation into a faculty member’s writings on race and intelligence, which administrators stated “ha[d] no place at [the college]” and constituted “conduct unbecoming of a member of the faculty”).

<sup>21</sup> FLA. STAT. §1004.06(2)(b).

<sup>22</sup> See, e.g., Amy Tara Koch, *Follow the Lights to Miami’s Hot New Neighborhoods*, N.Y. TIMES, (Dec. 2, 2024), <https://www.nytimes.com/2024/12/02/travel/miami-neighborhoods-guide.html>; Carlos Frias, *The 25 Best Restaurants in Miami Right Now*, N.Y. TIMES, (Sept. 30, 2024), <https://www.nytimes.com/article/best-miami-restaurants.html>; Christina Morales, *36 Hours Miami*, N.Y. TIMES, (Feb. 23, 2023) <https://www.nytimes.com/interactive/2023/02/23/travel/things-to-do-miami.html>.

<sup>23</sup> FLA. STAT. §1000.05(2)(a).

editing these articles. Nor is there evidence that the articles were produced because Mills subjected students or employees to training that promotes any of the prohibited ideas.

PSC cannot justify an egregious prior restraint on purely protected expression. The college's censorship is a particularly stark illustration of a "reckless or callous indifference to the federally protected rights of others."<sup>24</sup> Accordingly, we remind you that a public college administrator who violates clearly established law will not retain qualified immunity and can be held personally responsible for monetary damages for violating First Amendment rights.<sup>25</sup>

Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on May 4, 2026, confirming that PSC will rescind its prior restraint and respect Mills's academic freedom rights.

Sincerely,



Dominic Coletti  
Program Officer, Campus Rights Advocacy

Cc: Brenda Kelly, General Studies Associate Vice President of Academic Affairs  
Mike Will, English and Communications Department Head

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<sup>24</sup> *Smith v. Wade*, 461 U.S. 30, 56 (1983).

<sup>25</sup> See *Harlow v. Fitzgerald*, 457 U.S. 800, 818–819 (1982); *Gerlich v. Leath*, 861 F.3d 697, 709 (8th Cir. 2017) (upholding denial of qualified immunity to defendants—public university administrators—because plaintiffs' First Amendment right was clearly established).