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PolitiFact FL: Can Florida drivers run over protesters without consequence? No

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- Social media posts took comments from Gov. Ron DeSantis to mean that Florida drivers who feel threatened by protesters can run over them without consequence. That's not the case.
- If such drivers end up facing a civil lawsuit, a 2021 law allows them to defend themselves in court by citing the threat from protesters. However, they couldn't simply wave the lawsuit away.
- The law does not bar such a driver from being criminally prosecuted, though their defense could be bolstered by Florida's "stand your ground" law, either at trial or by prosecutors' reluctance to bring charges in the first place.

After protesters in Los Angeles drew national attention for targeting President Donald Trump's immigration crackdown — and after Trump sent in U.S. troops, citing instances of violence — Florida became a potential next battleground between protesters and law enforcement.

Protests are planned in Florida and dozens more states June 14 as part of "No Kings" events, held the same day as Trump's military parade in Washington. In a podcast interview released June 11, Gov. Ron DeSantis, R-Fla., made clear that he sided with law enforcement over any protesters who become violent against people or property.

DeSantis told podcaster Dave Rubin that Florida has "a policy that if you're driving on one of those streets and a mob comes and surrounds your vehicle and threatens you, you have a right to flee for your safety. And so if you drive off and you hit one of these people, that's their fault for impinging on you. You don't have to sit there and just be a sitting duck and let the mob grab you out of your car and drag you through the streets."

DeSantis was referring to a law passed in 2021 known as H.B. 1 and sometimes referred to as the "anti-riot" law. The law generally toughens the state's criminal treatment of protests. It was passed after the 2020 protests that followed the murder of Black Minneapolis resident George Floyd.

"Under Florida law, obstructing roadways and threatening innocent bystanders is illegal," said Sierra Dean, the governor's deputy press secretary. "Florida is, and will remain, a state of law and order. Violence is not tolerated. Residents have the right to defend themselves and their families."

Brevard County Sheriff Wayne Ivey took a similarly tough line the same week, saying at a press conference, "If you try to mob rule a car in Brevard County, gathering around it, refusing to let the driver leave in our county, you are most likely going to get run over and dragged across the street."

DeSantis' comments attracted significant national attention on social media, both favorable and unfavorable.

One X user with 230,000 followers posted, "Ron DeSantis said if protesters block your car and try to surround you, you can flee and if someone gets hit, so be it. This is a policy in Florida."

A TikTok video shared on X said DeSantis gave Floridians "a greenlight to run over protesters blocking them in the streets."

A close reading of the law shows that the governor left out some important context — and social media users stretched the seeming protections under the law even further.

Many of the social media posts left the impression that Florida law fully protects drivers who hurt rioters surrounding their car. The 2021 law provides an affirmative legal defense for such drivers who are later served with civil lawsuits related to a riot-related incident — but the law doesn't protect them from facing criminal charges.

What does Florida's 2021 anti-riot law say?

Critics, including civil liberties groups and liberal organizations, opposed the law, arguing that it would lead peaceful protesters to be considered rioters, potentially facing stiff sentences for what they considered protected speech. The Florida Supreme Court affirmed the law in 2024.

The key provision for what DeSantis was discussing says that in civil lawsuits — such as "damages for personal injury, wrongful death, or property damage," — the defendant in the lawsuit can use the plaintiff's participation in a "riot," as defined by the 2021 law, as "an affirmative defense." This means that the person being sued can argue in court that their action was justified by the riot.

However, there are two important limits to note.

First, this is a defense that the lawsuit's target can use in court; it does not prevent a civil case from being filed. So under the law, the driver could still face a lawsuit; the court would determine whether the defense was valid.

Second, the law addresses civil lawsuits, not criminal prosecutions.

Legal experts told PolitiFact that the law does not preclude a driver who injured someone during a riot from being criminally prosecuted.

"A person who drove through a crowd of peaceful protesters could very well be held criminally liable," said Caroline Light, a Harvard University lecturer and author of the book "Stand Your Ground: A History of America's Love Affair with Lethal Self-Defense."

Dave Aronberg, a former Democratic state senator who served as state attorney of Palm Beach County, Florida, from 2013 to January 2025, agreed. "A driver who injures or kills someone who was blocking the streets can still be arrested and prosecuted for aggravated battery, manslaughter or murder, among other crimes," Aronberg said.

There is a recent Florida precedent.

In March, Palm Beach County authorities arrested Andrew Dutil and charged him with aggravated assault with a deadly weapon without intent to kill after deputies said he drove his car toward a crowd protesting near a Florida Tesla

dealership. The sheriff's office said Dutil drove onto the curb and slowly toward the protesters, who moved away without injuries.

Court records show that prosecutors dropped the case — which may be a sign that the bar for prosecuting drivers for actions against protesters is high.

Light said Florida's 2005 "stand your ground" law — which allows people to use force, including deadly force, without first attempting to retreat if they reasonably believe they are in imminent danger — could either help a defendant defeat a charge in court, get a case dismissed before going to trial, or boost the defense's prospects at trial so much that prosecutors decide not to bring charges in the first place.

Light said DeSantis may be "counting on" prosecutors not to pursue cases "where a driver claims he was fearful when he ran over protesters."

Aronberg cautioned that the nature of the person who was hit — whether they were threatening or just standing with a sign, for instance — could make a big difference in whether a case is prosecuted and, if it is pursued, how it is decided.

"If a driver hits a non-violent protester who is just standing and holding a sign, that driver can be charged with a crime," he said.

PolitiFact researcher Caryn Baird contributed to this report.

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- *Email interview with Sierra Dean, deputy press secretary to Gov. Ron DeSantis, June 13, 2025*

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