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FEATURED CASE

Eleventh Circuit Holds Miami-Dade County Did Not Violate First Amendment in Firing Employee Over Anti-LGBT Opinion Piece

***Labriola v. Miami-Dade County,* No. 23-13508 (11th Cir. July 3, 2025)**

John F. Labriola (Labriola), employed as a media aide to the Miami-Dade Board of County Commissioners (County), authored an inflammatory opinion piece for a private, online newsletter both in his own name and on his own time. In this piece Labriola criticized the proposed Equality Act for advancing protections based on sexual orientation and gender identity. He employed derogatory rhetoric, describing LGBT individuals with pejorative language, including references to "tranny tyranny," "sodomy cake," and characterizing drag queen story hour as "weird" and "perverse," warning of "homosexual pedophiles" reading to children.

Following publication, citizens raised concerns that Labriola's views were being conflated with official County policy. These concerns were relayed internally and subsequently escalated to the Miami Herald, which published an article labeling the piece a "slur-laden tirade against transgender people." The County received a high volume of calls from distressed constituents, disrupting the operations of the Commissioners' office according to the County.

In response, Labriola's supervisor suspended him without pay for three days, required him to schedule training on the County's anti-discrimination policy within a week, and to complete it within thirty days. Labriola failed to schedule the training and was terminated.

Labriola then filed suit in the Southern District of Florida, asserting multiple constitutional violations. He alleged: (1) retaliation under the Free Speech, Free Press, and Free Exercise Clauses for his

opinion piece and refusal to attend training; (2) compelled speech, claiming the training would force him to disavow beliefs about sexuality; and (3) that the anti-discrimination policy was overbroad. The district court granted summary judgment for the County on all claims, applying *Pickering–Connick* to the speech and free-exercise issues, rejecting his free-press claim on the basis that he was not a journalist, finding no actual compelled speech, and holding that his overbreadth attack lacked a substantial set of unconstitutional applications.

Legal Questions:

1. Does an article written by a public employee using their own name and on their own time for a private online newspaper survive the *Pickering-Connick* test?

Holdings:

The Eleventh Circuit held that Miami-Dade County did not violate Labriola's constitutional rights by disciplining and terminating him for publishing a controversial opinion piece, because the County's interests as a public employer outweighed his First Amendment claims, and the policies and training at issue did not compel speech or operate unconstitutionally.

Analysis:

The court began by laying out the dueling interests of employees and employers expressed in the *Pickering-Connick* test, a 3-step test that evaluates whether (1) the speech involved a matter of public concern; (2) the employee's free speech interests outweighed the employer's interest in effective and efficient fulfillment of its responsibilities; and (3) the speech played a substantial part in the adverse employment action. The parties agreed that Labriola's speech was about a matter of public concern, so the dispute hinged on whether Labriola's free speech interests outweighed the County's interest in effective and efficient fulfillment of its responsibilities.

The court considered several factors relating to the balancing test in the second step of *Connick* namely, "(1) whether the speech at issue impedes the government's ability to perform its duties efficiently, (2) the manner, time and place of the speech, and (3) the context within which the speech was made." *Morales v. Stierheim*, 848 F.2d 1145, 1149 (11th Cir. 1988). It also clarified that impairing discipline by superiors or harmony among coworkers is considered an imposition into the government's abilities to perform its duties. *Rankin v. McPherson*, 483 U.S. 378, 388 (1987). The court held that the article written by Labriola did impair the government's ability to operate efficiently. Labriola's choice of words within the piece shocked and offended many of his coworkers, and his superiors had lost confidence in him. The volume of calls the office received because of Labriola's article also impeded its day-to-day operations.

As to time, place, and manner, while Labriola did write the article on his own time and in his own name separately from his work, the court found the manner of his words "disrespectful, demeaning, rude, and insulting," which would allow an employer to take disciplinary action.

For the factor of context, Labriola disseminated his opinions via a public medium, which limited his speech and hindered his claim in the eyes of the court. The court concluded that the County's interest in effective and efficient fulfillment of its responsibilities outweighed Labriola's free speech interests. In addition, because the County had prevailed at the second step of the *Pickering* test no further analysis was needed. Labriola's ancillary claims were also rejected by the court.

Sharp-minded readers may recognize the factual similarities between this case and the feature case from mid-June. While the facts of both cases are rather similar, the legal avenues the plaintiffs chose in suing their respective cities/counties were not. I thought it best to highlight the differences

between the Section 1983 claims from June, and the First Amendment claims from this issue that took the *Pickering* route.

Labriola v. Miami-Dade County

SHORT SUMMARIES:

8th Circuit – Pretrial Detainee

Lamar Catchings, a 20-year-old pretrial detainee, died from undiagnosed acute leukemia while in custody at the St. Louis County (County) in February 2019. His mother, Tashonda Troupe, filed a 42 U.S.C. § 1983 lawsuit against the County and numerous jail officials, medical staff, and correctional officers, alleging deliberate indifference to her son's serious medical needs and failure to train or supervise the staff responsible for his care. All of these claims except one were dismissed at the pleading stage after an assertion of qualified immunity and a finding of insufficient factual allegations due to many of Troupe's claims cited "information and belief" within the complaint.

Troupe appealed the dismissed claims and the 8th Circuit reviewed whether "information and belief" allegations were sufficient to state a claim The Court held that such allegations are permissible if the facts are within the possession and control of the defendants or based on factual information that makes the inference of culpability plausible and reversed the lower court's dismissal of some of the claims against the defendants.

Troupe vs. St. Louis County, Missouri

11th Circuit – Use of Force

Joseph Heid, after a domestic dispute, left his house and later returned armed with a rifle. He engaged in a gunfight with deputies in his backyard and then re-entered his house. When he exited the house again, Deputies Rutkoski and Best, believing he was still armed, shot him multiple times. After the Circuit Court found Heid guilty of several charges relating to the incident, Heid filed a civil lawsuit against the officers for the injuries he sustained during the shootout. The District Court denied the deputies' motion for summary judgment, which asserted qualified immunity. The District Court also found there was a genuine factual dispute regarding whether the deputies used excessive force and whether Heid posed a threat when he exited the house. However, upon review the Court of Appeals reasoned that the deputies reasonably believed Heid was armed and dangerous based on the information they had, including Heid's gunfight with other deputies moments before and the speed at which he came out of the house after the initial shooting.

Heid vs. Rutkoski