

REVOLT INSIGHTS

revolt.training

March 11, 2026

VIA EMAIL AND U.S. MAIL

Shari L. McCartney, Esq.
City Attorney's Office
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

RE: Facial Inconsistency Between City of Fort Lauderdale Heritage Event Programming and SB 1134 / Section 166.04971, Florida Statutes; Demand for Compliance Review and Corrective Action Prior to January 1, 2027 Effective Date

Dear City Attorney McCartney:

I write to bring to your attention a facial inconsistency between the City of Fort Lauderdale's heritage event programming — including the annual St. Patrick's Day Parade and any other ethnicity-referenced event the City funds, promotes, or officially endorses — and the provisions of SB 1134, passed by the Florida Legislature on March 10, 2026 and expected to be signed by the Governor imminently. The law takes effect January 1, 2027.

I. The Statutory Prohibition

SB 1134 creates Section 166.04971, Florida Statutes, prohibiting municipalities from funding or promoting, directly or indirectly, or taking any official action relating to 'diversity, equity, and inclusion.' The statute defines that term to include:

"Any effort to . . . [p]romote or adopt training, programming, or activities designed or implemented with reference to race, color, sex, ethnicity, gender identity, or sexual orientation."

Section 166.04971(1)(b)(3), Florida Statutes (as created by SB 1134).

Violations by municipal officials constitute misfeasance or malfeasance in office under § 166.04971(4) — and, where willful and for personal financial gain, official misconduct under § 838.022, Florida Statutes, with removal from office available under § 112.52. Any resident of the municipality may bring a circuit court action for declaratory and injunctive relief, damages, and costs under § 166.04971(6).

Additionally, Section 287.139, Florida Statutes (as created by SB 1134), requires any potential recipient of a municipal contract or grant to certify, before award, that it does not and will not use municipal funds for activities 'relating to diversity, equity, and inclusion as defined in ss. 125.595(1) and 166.04971(1).' That cross-reference incorporates the Subsection 3 prohibition on ethnicity-referenced programming. The City cannot narrow the certification language by administrative fiat — the statutory definition controls.

II. The City's Heritage Event Programming

The City of Fort Lauderdale annually funds, promotes, and takes official action in support of the St. Patrick's Day Parade — an event organized around Irish ethnic heritage. City support has included direct financial contributions, waived permit fees, staff resources, road closures, equipment, and official City Commission endorsement by resolution.

St. Patrick's Day is not a federal holiday under 5 U.S.C. § 6103. It is not a Florida state holiday under Chapter 683. It is not a patriotic or national observance under 36 U.S.C. §§ 101-148. None of the statute's three carveout provisions in § 166.04971(7)(b) protect it.

The St. Patrick's Day Parade is not the only City-supported program with this exposure. The same statutory analysis applies to any event or official action the City funds, promotes, or endorses that is organized around a specific ethnic identity. On information and belief, the City's current portfolio includes:

- the Las Olas Greek Festival (road closures, permits, police services, and tourism promotion for an event organized around Greek ethnic heritage);
- Caribbean-American Heritage events and any Brazilian cultural festival receiving City logistical support or promotional activity;
- Juneteenth programming at City facilities;

and official City proclamations recognizing:

- Haitian Heritage Month,
- Hispanic Heritage Month,
- Caribbean Heritage Month,
- or any other ethnicity-referenced observance.

Each proclamation is itself an “official action . . . relating to” ethnicity-referenced programming under § 166.04971(2). The City should understand that this demand is not about one parade. It is about the entire structure of how the City officially relates to ethnicity-referenced programming.

A note on the volunteer body carveout: § 166.04971(8) exempts 'the actions of a body composed of nonelected volunteers.' That carveout covers the parade committee's own programming decisions. It does not cover the City's independent decision to fund, promote, waive fees, issue sponsorship resolutions, and officially endorse those decisions. The City is not a volunteer body. Its budget authorizations, Commission resolutions, and promotional expenditures are municipal official actions. § 166.04971(8) does not reach them.

The City will likely argue it funds the St. Patrick’s Day Parade for tourism and economic development purposes, not to promote ethnicity. That argument fails on the statute’s own terms. Section 166.04971(1)(b)(3) regulates activities “designed or implemented with reference to ethnicity” — it regulates the nature of the activity, not the government’s motive for funding it. The parade is designed with reference to Irish ethnic heritage. That is its stated purpose, its marketing, and its content. The City’s reason for writing the check is irrelevant to what the parade is. A municipality cannot fund a race-referenced program and insulate the expenditure by characterizing it as economic development. If government motive controlled, the statute would prohibit nothing — every expenditure can be reframed as economic development. Courts do not read statutes to produce that result.

The City may also argue that “activities” in Subsection 3 is narrowed by the surrounding terms “training” and “programming,” limiting the statute to internal institutional DEI frameworks. That argument fails for a simple reason: it makes “activities” superfluous. The Legislature listed three coordinate terms — training, programming, and activities. If “activities” means nothing beyond what “training” and “programming” already cover, it has no independent work to do. Courts do not read statutes to render provisions meaningless. The Legislature added “activities” to expand the statute’s reach beyond internal training programs. Public events organized around ethnic identity are activities. That is what the word means.

One additional note for the record: if the statute is applied to Irish heritage programming but not to other identity-based celebrations the City funds or endorses, the state faces a viewpoint-selectivity problem of its own. A statute that bans some ethnic celebrations but permits others is content-based discrimination that fails strict scrutiny under *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), *Rosenberger v. Rector*, 515 U.S. 819 (1995), and *Police Dept. of Chicago v. Mosley*, 408 U.S. 92 (1972). That is not an argument

against enforcement. It is an argument that the statute is constitutionally unstable as written — which is precisely why the Legislature should have thought harder before passing it.

Tangentially, I was recently a guest IMLA CLE Faculty on Viewpoint Discrimination, featuring Harvey Barnett, the attorney from the 1972 Mosley SCOTUS case.

III. What Becomes Void on January 1, 2027

Section 166.04971(2) does not merely prohibit future conduct. It provides that 'any such existing ordinances, resolutions, rules, regulations, programs, or policies are void' upon the effective date. Applied to the City's current heritage event apparatus, this means:

- 1.** Any City Commission resolution authorizing sponsorship, funding, or official endorsement of the St. Patrick's Day Parade or any similar ethnicity-referenced event is void on January 1, 2027.
- 2.** Any budget line item, grant agreement, or event contract for ethnicity-referenced programming that remains active after January 1, 2027 is void.
- 3.** Any City policy or administrative framework that structures funding for heritage events organized around specific ethnic identities is void.

Any official who authorizes expenditure under a void instrument after January 1, 2027 does so without legal authority. That is not a gray area. That is the statute.

IV. The Certification Trap

The § 287.139 certification requirement creates a second, independent problem. Any organization the City funds after January 1, 2027 must certify it does not use those funds for activities 'relating to diversity, equity, and inclusion' as the statute defines that term. An organization whose entire funded purpose is an Irish ethnic heritage parade cannot sign that certification truthfully. The City has two options: it funds the parade and the certification is false, or it declines to fund the parade to avoid the false certification. Those are the only two options the statute provides.

Knowingly funding a prohibited activity through a false certification is not merely a compliance failure. It is fraud on the government. The City Attorney's Office should consider whether its officials are prepared to authorize that. One clarification on scope: § 287.139 prohibits requiring employees, contractors, volunteers, or vendors to study or be instructed using DEI materials. That is a training mandate prohibition. Running a parade does not by itself trigger the certification problem. What triggers it is any ethnicity-referenced organization that also conducts DEI-adjacent training, volunteer

orientation, or staff instruction using City funds. The PRRs filed concurrently will establish whether that is the case here.

V. Demand

I respectfully demand that the City Attorney's Office:

- 1.** Conduct an immediate compliance review of all City-funded, City-promoted, or City-endorsed heritage and cultural event programming against §§ 166.04971 and 287.139, Florida Statutes, as created by SB 1134.
- 2.** Issue written guidance to City departments identifying which existing sponsorship resolutions, budget line items, grant agreements, and event contracts are void under § 166.04971(2) on January 1, 2027, and which must be modified, suspended, or terminated to avoid violation.
- 3.** Assess whether any event organization currently receiving City funds can truthfully execute the § 287.139 certification given the ethnicity-referenced nature of its programming, and advise accordingly before any post-January 1, 2027 contract execution.
- 4.** Provide a written response within thirty (30) days stating what corrective action, if any, the City intends to take.
- 5.** Identify and produce the following records: (a) all City Commission resolutions authorizing sponsorship, funding, or official endorsement of heritage events organized around a specific ethnic identity for FY 2024–2027; (b) all grant agreements, event contracts, or budget authorizations funding ethnicity-referenced programming for the same period; and (c) any legal memoranda or opinions from the City Attorney's Office evaluating the City's heritage event programming against SB 1134 and § 166.04971. These records are relevant to any circuit court proceeding under § 166.04971(6).

To be clear about what is at stake: if this statute is applied as written, municipalities will be required to choose between cancelling ethnic heritage celebrations or violating state law. The City did not write SB 1134. Neither did I. But one of us has to reckon with it.

One further exposure the City should be aware of: the Greater Fort Lauderdale Convention and Visitors Bureau is funded in part by Broward County bed tax revenue and operates as a county-supported tourism instrumentality. If the GFLCVB promotes the St. Patrick's Day Parade or any other ethnicity-referenced event through county-funded marketing channels, that constitutes county funding or promotion of ethnicity-

referenced programming under § 125.595(1)(b)(3), Florida Statutes — the parallel county statute created by SB 1134. The county cause of action under § 125.595(6) is available to any resident of Broward County.

The City's written response to this demand should address one specific question: Does the City of Fort Lauderdale intend to fund, promote, or take any official action in support of the St. Patrick's Day Parade, or any other ethnicity-referenced heritage event, after January 1, 2027? A yes answer creates a statutory problem. A no answer is a political problem. The absence of an answer will be treated as confirmation that the City has not evaluated the question — which is its own kind of answer.

If the City believes the statute does not reach its heritage programming, a written explanation of that legal position is welcome. That position, if it exists, should be memorialized before January 1, 2027 — not improvised in a courtroom after it.

Like my successful Bible Ban effort, here again I seek the extraordinary precise application of State law, be it silly or not. As I like to think, when the going gets stupid, I'm usually the first to go in.

In the absence of a timely response, I intend to pursue all remedies available under § 166.04971(6), Florida Statutes, on or after January 1, 2027.

Very respectfully submitted,

Chaz Stevens, MSc, CLE Faculty

cc:

Fort Lauderdale City Commission

Fort Lauderdale City Manager's Office

Fort Lauderdale Special Events Office

Broward County Attorney's Office (re: § 125.595 county exposure / GFLCVB)

Broward County Inspector General (re: § 287.139 certification and procurement compliance)

Florida Attorney General's Office (re: statutory construction and municipal compliance)

Office of the Governor (re: SB 1134 as enacted; municipal implementation questions)