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INTER-OFFICE CORRESPONDENCE
MEMORANDUM NO. 2026-041

TO: Mayor Angelo Castillo
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FROM: Samuel S. Goren, City Attorney *SSG*
Karina Nogueras, Assistant City Attorney *RN*

DATE: April 1, 2026

RE: City of Pembroke Pines ("City")/ Proposed SB 1134 Prohibiting Diversity, Equity, and Inclusion

The Florida Legislature passed SB 1134 ("Bill") and sent it to the Governor for signature on March 10, 2026. This memorandum is intended to provide a pertinent summary of the Bill and advice as to its potential effects on the City. If signed by the Governor, the Bill becomes law and creates a new Section 166.04971, effective on January 1, 2027.

1.0 Brief Explanation

The Bill passed during the 2026 Regular Session seeks to prohibit counties and municipalities from funding, promoting, or taking official action as it relates to diversity, equity, and inclusion, subject to a few limited exceptions. It also creates a number of provisions as to allowed municipal actions, penalties, and remedies. Our analysis is subject to further reassessments as potential litigation and insight from the Florida League of Cities is reviewed.

2.0 Bill's Definitions

2.1 Bill's Prohibitions

The Bill prohibits official action by local governments and its officials as it relates to diversity, equity, and inclusion ("DEI"), which is defined as any effort to:

- 2.1.1 manipulate or otherwise influence the composition of employees with reference to race, color, sex, ethnicity, gender identity, or sexual orientation other than to ensure that hiring is conducted in accordance with state and federal antidiscrimination laws;
- 2.1.2 promote or provide preferential treatment or special benefits to a person or group based on that person's or group's race, color, sex, ethnicity, gender identity, or sexual orientation; or
- 2.1.3 promote or adopt training, programming, or activities designed or implemented with references to race, color, sex, ethnicity, gender identity, or sexual orientation.

Specifically, the Bill prohibits municipalities from funding or promoting, directly or indirectly, or take any official action, including but not limited to the adoption or enforcement of ordinances, resolutions, rules, regulations, programs, or policies as it relates to diversity, equity, and inclusion.

The Bill also prohibits funds to be used by employees, contractors, volunteers, vendors, or agents to promote initiatives, as defined above.

2.2 Existing Ordinances

The Bill provides that any existing ordinances, resolutions, rules, regulations, programs, or policies related to funding, promoting, or taking any official action as it relates to diversity, equity, and inclusion are void. The City will not need to act to nullify any existing ordinance, resolutions, or policies that contradict the Bill.

2.3 Allowed Activities

The Bill allows "DEI" municipal actions for the following activities:

- 2.3.1 Compliance with state or federal laws and regulations.
- 2.3.2 Recognizing or promoting the following federal holidays, as set forth in 5 U.S.C. § 6103:

- Birthday of Martin Luther King, Jr.
- George Washington's Birthday
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

2.3.3 Recognizing or promoting patriotic and national observances recognized by federal law or recognizing the events and individuals forming the basis for such observances.

2.3.4 Recognizing or promoting state holidays and observances pursuant to Chapter 683, Fla. Stat. including:

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| • Robert E. Lee's Birthday | • Grandparents' and Family |
| • Lincoln's Birthday | Caregivers' Day |
| • Susan B. Anthony's | • Patriots' Day |
| Birthday | • I Am An American Day |
| • Tuskegee Airmen | • American Founders' Month |
| Commemoration Day | • Florida Jewish History Month |
| • Confederate Memorial Day | • Holocaust Remembrance Day |
| • Jefferson Davis' Birthday | • Ronald Reagan Day |
| • Arbor Day | • Three Kings Day |
| • Pan-American Day | • Foster Family Appreciation Week |
| • Pascua Florida Day | • Victims of Communism Day |
| | • Responsible Fatherhood Month |

2.3.5 Recognizing or promoting the individuals, groups, or events forming the basis for recognizing monuments, museums, and memorials outlined in Chapters 265 and 267, Florida. Statutes, which include:

- Florida Women's Hall of Fame
- Florida Holocaust Memorial
- Florida Slavery Memorial
- Arthur G. Dozier School for Boys Memorial
- Florida Museum of History
- Florida Museum of Black History

2.3.6 Supporting or promoting nonprofits that provide single sex programs for the homeless or education, counseling, and rehabilitation of trauma-involved or at-risk youth.

2.3.7 Owning, operating, maintaining, funding, or conducting events at monuments and memorials recognized by the President as a national monument, as outlined in 54 U.S.C. s. 320301, and located in this state.

2.3.8 Issuing event permits in a content-neutral manner and providing public safety services.

2.4 Cause of Action Against Municipalities

The Bill provides remedies for residents of a municipality to bring a cause of action in circuit court for an alleged violation of the Bill. The court may enter a judgment awarding declaratory and injunctive relief, damages, and costs.

2.5 Misfeasance or Malfeasance

Any member of the governing body of a municipality or other municipal official acting in their official capacity found in violation of the Bill, as it relates to actions to promote DEI, commits misfeasance or malfeasance in office.

Section 112.51, F.S., provides that the Governor may by executive order suspend from office any elected or appointed municipal official for **malfeasance or misfeasance**.

2.6 Vendor Certification

This provision will apply to all contracts executed or renewed after January 1, 2027.

A potential recipient of a county or municipal contract or grant shall certify to the county or municipality before being awarded such contract or grant that the potential recipient does not and will not use county or municipal funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion.

2.7 Clarifications by Bill's Sponsor

Following questions during the General Session about translation services being affected by the prohibition on "inclusion", the Bill's Sponsor, Clay Yarborough, clarified that limiting translation services was not his intent.

Our office is aware that a local municipality sent a letter to Senator Yarborough, inquiring about Pride Parade, Black History Month celebrations, targeted public health initiatives, and exhibits for specific marginalized community groups. In a letter responding to the inquiry, Senator Yarborough stated the following:

The types of arts & cultural events described in your letter would not be prohibited as long as public funds are not used to market only to or put on programming for certain groups to the exclusion of others... The terms 'diversity,' 'equity,' and 'inclusion' have been around for decades and are positive, but regrettably have been hijacked in the last 10 years and combined into an effort now referred to as "DEI" that aids in cloaking activities like the ones above until they are discovered. The bill's effort to restrict funding for the practices and activities is not synonymous with not supporting diversity, equity, and inclusion as those terms have historically been understood.

While these responses may be useful in understanding the legislative intent, they appear to be a conflict with the Bill's plain text. As a result, it remains unclear if municipalities will be allowed to support activities within the plain meaning of diversity, but not explicitly allowed by state or federal law.

3.0 Analysis

The City Commission and City Administration have questions on the applicability and effect of this sweeping Bill on the City's current practices and custom. The Bill will require a thorough review of the City's practices and budget. While our office will continue to monitor the Bill and its effects on other municipalities throughout the state, and will provide updates as they are made available, our preliminary review addresses the following concerns are addressed below.

3.1 Proclamations/Resolutions

As mentioned, the Bill prohibits promoting, providing preferential treatment, or adopting training, programming, or activities designed or implemented with references to race, color, sex, ethnicity, gender identity, or sexual orientation.

Proclamations are generally ceremonial statements to bring attention to causes or celebrate initiatives and not public expenditures or policy. However, the Bill's language is general and broad, and the word "promote" is generally defined as support or actively encourage. Therefore, the prohibition on promoting with references to race, color, sex, ethnicity, gender identity, or sexual orientation may likely extend to proclamations. As applied to the City's history of proclamations, recognitions for Irish Heritage Month, Greek Heritage Month, and Haitian American Month, as examples, will likely be prohibited under the Bill because they make references to ethnicities. The City's practice of issuing a proclamation recognizing June as LGBTQI+ Pride Month, is also likely prohibited by the Bill.

City proclamations recognizing Jewish American Heritage Month, Hindu Heritage, and Muslim American Heritage Month, as examples, will likely be permitted under the Bill, as the Bill does not make any prohibitions on religion.

Resolutions may be more closely regulated because they may create City policy or direct City action. Nonetheless, resolutions that express community solidarity or denounce discrimination

generally will likely be permitted under the Bill, as long as they do not mention race, color, sex, ethnicity, gender identity, or sexual orientation.

Resolutions and proclamations recognizing “allowed activities” like National Hispanic Heritage Month, and Black History Month, are expressly allowed because they are recognized either at the state or federal level.

Another of the concerns raised were celebrations or observances based on the characteristics of birth of City residents. Generally, these celebrations or observances should be viewed as cultural heritage, not DEI City action. Nonetheless, these celebrations are likely to be prohibited by the Bill because it may be construed as promoting an ethnicity.

3.2 Religious Observances

The Bill does not enumerate religious designations as one of the prohibited categories. The prohibition only applies to promoting or implementing City action with reference to race, color, sex, ethnicity, gender identity, or sexual orientation. Therefore, the Commission may continue to recognize and celebrate different religions in the City, religious observances, conduct prayer breakfast. The City Commission may continue to change commission meeting dates to avoid conflicts with religious holidays.

3.3 Events

Our office is of the current opinion that City-sponsored celebrations, as long as they are presented as cultural, historical, or community events and not with reference to race, color, sex, ethnicity, gender identity, or sexual orientation, should be allowed activities under the Bill. The City can continue to focus on cultural or historical recognition, as it has done in the past.

Specific events of concern mentioned to our office include Snowfest, Easter egg hunt, Chanukah lighting, and prayer breakfasts. These City events are not affected by the Bill. As outlined above, the Bill does not refer to any prohibition or regulation of religion or religious observances honored by a municipality.

Notably, the Bill does not prohibit a municipality from issuing event permits to third parties in a content-neutral manner, even if the event references race, color, sex, ethnicity, gender identity, or sexual orientation. The Bill also does not prohibit a municipality from providing safety services for third party events that reference race, color, sex, ethnicity, gender identity, or sexual orientation.

Another concern raised was whether the City Center operator, a private contractor, is allowed to rent space, host events, or put on programming that is in conflict with the Bill.

The City’s agreement with the Contractor provides that the Contractor shall have the right to determine, and shall be responsible for determining, all programming and Events to be presented at the Facility. The Contractor also has exclusive authority over the marketing of all

Events, and is solely responsible for all contracts for such programming, marketing, promotion and presentation of all Events. See Section 4.5, Agreement for Programming, Management, and Operations of the Pembroke Pines Civic Facility.

The City, however, provides monthly management fees to pay for the operation of the City Center, and the Bill is likely implicated notwithstanding the contractual delegation of programming authority to the Contractor. The issue is the use of public funds, not who selects or administers the DEI programming. Because the Contractor's operations are being paid by City funds, events and marketing may be attributable to the City for purposes of compliance or violation of the Bill.

If the private contractor conducts or promotes DEI initiatives, the City's payments to the Contractor could be viewed as an impermissible use of funds under the Bill. The City will need to more fully and carefully review the Civic Facility Agreement for the next renewal, in order to clarify that the operator may not promote events prohibited by the Bill.

3.4 City's General Employment Practices

Chapter 34 of the City's Code of Ordinances governs the employment policies of the City. Generally, the enactment of this chapter of ordinances was done in accordance with state and federal law with regard to nondiscriminatory practices, Title VII of the Civil Rights Act of 1964, and the Florida Civil Rights Act. The Bill explicitly allows for City action that follows existing state and federal employment law.

3.4.1 Employment Handbook

The City's Employee Handbook likely will have provisions that are deemed void if the Bill is signed. Namely, some sections of the City's Equal Opportunity Policy are in conflict with the Bill because it encourages the City to value and promote diversity in the work place based on culture, ethnicity, gender and age. These provisions of the policy will likely be void if the Bill is passed and the City will be prohibited from promoting diversity in the work place, either by directly or indirectly making reference to culture, ethnicity, gender and age.

Another of the City's policies affected by the Bill include training to increase employee awareness and acceptance of race, cultural, and sex differences among employees. These actions likely constitute promoting DEI as the Bill prohibits.

Sections of the City's Handbook and its incorporated City policies that align with Federal Equal Opportunity Law and Florida Civil Rights Act are not affected by the Bill.

Section 2 of the Handbook titled "Equal Employment Opportunity and Affirmative Action" is not affected, as it follows language provided by Section 110.112, Florida Statutes for Affirmative action and equal employment opportunity of public officials

and employees. The bill does not prohibit reference to race, color, sex, ethnicity, gender identity, or sexual orientation if it is in compliance with state or federal law.

3.4.2 Employment Benefits for Married Couples

Section 34.04 of the City's Code of Ordinances is titled Employment Benefits for Married Couples. The intent of this law is to provide equal benefits to married couples, regardless of gender that are legally married and makes no reference to promoting, providing preferential treatment, or adopting training, programming, or activities designed or implemented with references to race, color, sex, ethnicity, gender identity, or sexual orientation. It is our legal interpretation that the Bill does not void Section 34.04 of the Code.

3.4.3 Domestic Partnership Law

Section 34.05 of the City's Code of Ordinances is titled The Pembroke Pines Domestic Partnership Act. The intent of this law is to provide employee benefits for unmarried couples that formally wish to be recognized as being in a domestic partnership but are not legally married, regardless of gender identity or sexual orientation. It makes no reference to promoting, providing preferential treatment, or adopting training, programming, or activities designed or implemented with references to race, color, sex, ethnicity, gender identity, or sexual orientation. It is our legal interpretation that the Bill does not void Section 34.05 of the Code.

3.4.4 Non-Discrimination Policy

Section 34.06 of the City's Code of Ordinances is titled Non-Discrimination Policy. The intent of this law is to prevent discrimination by the City against any person in its hiring, promotion, operation or sponsorship of any activities or programs, or engage in any other discriminatory practice against any person based on race, age, religion, color, gender, pregnancy, sexual orientation, gender identity and expression, national origin, marital status, physical or mental disability, political affiliation or any other factor. This ordinance makes no reference to promoting, providing preferential treatment, or adopting training, programming, or activities designed or implemented with references to race, color, sex, ethnicity, gender identity, or sexual orientation, and is in accordance with state and federal law. It is our legal interpretation that the Bill does not void Section 34.06 of the Code.

3.5 Procurement

The City's Procurement Code was amended on December 11, 2025. One of the amendments included repealing Section 35.39 of the Code requiring all contractors to provide domestic partner benefits. The City ordinance was originally adopted in 2014 to ensure that contractors mirrored the City's position on what an equal opportunity employer meant – that equal benefits were provided “irrespective of the gender of spouses” and also for domestic partners. With the

federal protections of recent Supreme Court decisions (*Obergefell v. Hodges*, 2015 and *Bostock v. Clayton County*, 2020), Section 35.39 no longer served the purpose of providing protections to the employees of potential City contractors and was deemed obsolete and legally preempted. As the Ordinance has been repealed, there is no need to analyze the applicability of this Bill to this concept.

If the Bill is signed, the City will need to include a new certification with its procurement process, containing an “Anti-DEI Affidavit”, similar to the Anti-Human Trafficking Affidavit, where bidders shall certify to the City before being awarded such contract or grant that the potential recipient does not and will not use City funds in requiring its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion.

3.6 City Boards

A review of the City’s Advisory Board and Committees reveals likely conflicts between the Bill and the City’s Diversity and Heritage Board. As outlined in the Code, the Diversity and Heritage Board serves to promote awareness and to celebrate the rich heritage and the vast diversity of the city. Pursuant to Section 32.191, their duties and responsibilities are as follows:

- 32.191(A) Recommendations to the Commission on diversity and equity strategies that strengthen connections among diverse community groups and with city government.
- 32.191(B) Recommendations to the Commission on exploring new methods and techniques to acknowledge tangible and intangible cultural heritage and expand recognition programs related to heritage preservation activities.
- 32.191(B) Recommendations to the Commission on ways to work with public and private stakeholders in the city to increase understanding of the diverse groups that make up the city.

(emphasis added). Section 32.191(A) of the Code is in conflict with the Bill because it makes recommendations on diversity and equity strategies, which are expressly prohibited by the Bill. Given our review of the Bill and the advisory board, the board may not be able to legally exist in its current form and with its current mission if the Bill is signed by the Governor. A review of the Board’s minutes discloses discussions related to community events celebrating the City’s varied heritage through events like parades, culinary tours, and music events and no reference to the prohibited DEI activities outlined in the Bill. At a minimum, Section 32.191 will need to be amended to remove “Diversity” from the Board’s name and to revise the Board’s duties and responsibilities.

3.7 City's Existing Signs

One of the concerns raised to this office was whether this Bill would affect City's existing signs referencing inclusion or diversity. Article VII, Section 18(a), of the Florida Constitution provides that counties and municipalities do not have to comply with general laws to the extent that they require the county or municipalities to spend funds or to take an action requiring the expenditure of funds, unless the Legislature has "determined that such law fulfills an important state interest" and satisfies certain conditions. As the Bill is currently written, there isn't a finding by the Legislature that it fulfills an important state interest nor any attempt to comply with the purposeful restraint imposed under the Constitution. The City would not be required to replace existing signs if they are found to contradict the Bill because it would require action involving expenditure of funds, which is prohibited by the Florida Constitution. See *Lewis v. Leon Cnty.*, 15 So. 3d 777, 781 (Fla. Dist. Ct. App. 2009), *aff'd*, 73 So. 3d 151 (Fla. 2011). However, these signs could no longer be maintained and could not be replaced in the future.

3.8 Budget

The Bill restricts how public funds may be allocated and spent, requiring the City to eliminate or reallocate funding for prohibited activities or promotion with reference to race, color, sex, ethnicity, gender identity, or sexual orientation. Because the Bill is effective January 1, 2027, the current fiscal year city budget (2025-2026) is not affected by the Bill, as it covers October 1, 2025-September 30, 2026. However, for the upcoming fiscal year's budget (2026-2027), City Administration should plan to exclude line items explicitly tied to DEI initiatives, identify impacted programming, and update budget narratives and allocations to ensure compliance with the Bill. Spending for "allowed activities" explicitly permitted by the Bill, as explained in Section 2.3 of this memo, are not impacted and will not need to be removed from the budget, regardless of whether they make reference to race, color, sex, ethnicity, gender identity, or sexual orientation. A preliminary review of the current year's Budget show Special Events listed which refer to an MLK Event, Hispanic Heritage Festival, and Juneteenth Event. These are "allowed activities" under the Bill because they are recognized at the state and federal level. Another event, named "Caribbean Heritage Festival", may be prohibited by the Bill because Caribbean Heritage Month is not designated as an observance at the state or federal level and makes specific reference to ethnicity.

A preliminary review of the current year's Budget shows grants made to various non-profit organizations. One grant of concern is the City's donation to Women in Distress. This grant may not be permitted because the organization is a nonprofit providing help to women escaping domestic violence through intervention, education and advocacy. The Bill allows municipalities to support single sex programs only for the homeless, or education, counseling, and rehabilitation of trauma-involved or at-risk youth, which based does not coincide with the work of Women in Distress. Another provision of the Bill, Section 166.0497(7)(d)2. provides that the statute should not be construed to be in conflict with "Part XII of chapter 39 or analogous state and federal laws ensuring that victims of domestic violence and their dependents have access to emergency shelters", which may allow the City's donation, depending on interpretation. Due

to the penalties for violators of the statute, it may be advisable to wait for clear guidance on this conflict.

Expenditures by the Public Insurance Fund for training of city employees in areas including social diversity are likely prohibited by the Bill as well.

Our office will provide an update should more information become available. Please do not hesitate to contact us if you have any questions.

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