STERLING

State Designation Without Federal Parity: Florida's HB 1471 Regime and the 5 November Deadline

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Status as of 3 November 2026. Absent a court order, the designations of CAIR and CAIR-Florida under HB 1471 take effect on 5 November 2026. A federal emergency application in CAIR-Foundation, Inc. v. DeSantis was argued on 28 October 2026; as of 3 November 2026 no ruling had been reported. The designations remain subject to pending litigation, and this page will be updated when the court rules.

STERLING · KEY FINDINGS

State Designation Without Federal Parity: Florida's HB 1471 Regime and the 5 November Deadline

01 On 29 September 2026 Florida's Governor and Cabinet approved designating CAIR, CAIR-Florida, the Muslim Brotherhood and antifa as “domestic terrorist organisations” under HB 1471, subject to pending litigation.

02 Absent a court order, the designations of CAIR and CAIR-Florida take effect on 5 November 2026.

03 Both organisations deny the allegation; their counsel told the court that “neither CAIR nor CAIR-Florida is engaged in terrorist activity”.

04 A federal emergency application was argued on 28 October 2026; as of 3 November 2026 no ruling had been reported.

Summary of the study by the research team · 3 November 2026

Summary

On 29 September 2026 the Governor and Cabinet of Florida approved the designation (subject to pending litigation) of the Council on American-Islamic Relations (CAIR), its Florida chapter (CAIR-Florida), the Muslim Brotherhood and the loosely organised movement known as antifa as "domestic terrorist organisations" under House Bill 1471 (Chapter 2026-28, Laws of Florida), alongside a much longer list of foreign organisations (LexCircuit 2026; Tampa Bay 28 2026). Absent a court order, the

designations of CAIR and CAIR-Florida (subject to pending litigation) take effect on 5 November 2026 (ACLU 2026b). Both organisations deny the allegation; their counsel told the court that "neither CAIR nor CAIR-Florida is engaged in terrorist activity" (ACLU 2026b). A federal emergency application was argued before Chief Judge Allen Winsor of the United States District Court for the Northern District of Florida on 28 October 2026 in CAIR-Foundation, Inc. v. DeSantis, No. 4:26-cv-521 (N.D. Fla.). The parties had asked for a ruling by 2 November (Joint Status Report, ECF 62, Case 4:26-cv-315), but as of 3 November 2026 no ruling had been reported (Tallahassee Democrat 2026; Tampa Bay 28 2026). The docket should be rechecked on 4 November 2026.

This paper sets out what the Florida regime does, how it differs from federal designation practice, what the litigation is likely to turn on, and what federal and state policymakers should take from it. It does not take a view on whether any particular organisation meets the statutory criteria; that is a question for the courts.

1. Background: from executive order to statute

Florida's current regime is the second attempt by the state's executive to attach terrorism-related consequences to CAIR and the Muslim Brotherhood.

- **Executive Order 25-244 (8 December 2025).** Governor Ron DeSantis issued an executive order describing CAIR as a terrorist organisation and directing that it, and those who knowingly provide it "material support", be denied state and local contracts, funding and other public benefits (ACLU n.d.).
- **Preliminary injunction (4 March 2026).** Judge Mark E. Walker of the Northern District of Florida preliminarily enjoined enforcement of the order, holding that CAIR was likely to succeed on the claim that the order unlawfully sought to coerce third parties into suppressing its speech, contrary to the First Amendment (AP 2026; ACLU n.d.). The State appealed. In CAIR-Foundation, Inc. v. DeSantis, No. 26-10735, the United States Court of Appeals for the Eleventh Circuit on 13 October 2026 directed that the appeal be set for oral argument, including the State's request to reassign the case; it has not yet been argued and no decision has been issued (Order of Disqualification 2026).
- **HB 1471 (approved 6 April 2026, in force 1 July 2026).** The Legislature then created a statutory designation process. The law authorises Florida's Chief of Domestic Security to designate domestic and foreign terrorist organisations, requires written notice, and gives the Governor and Cabinet authority to approve or reject a designation by majority vote (Tampa Bay 28 2026). A companion measure, HB 1473, was signed at the same time (ACLU n.d.).

The shift from executive order to statute matters. The March injunction concerned an order whose legal basis was contested; HB 1471 gives the State a legislative footing, a defined procedure and an express set of consequences. The litigation has therefore

moved from "may the Governor do this?" to "is what the Legislature authorised constitutional, and was it applied lawfully?"

2. What the statute does

Drawing on the plaintiffs' complaint and contemporaneous reporting, the principal elements of the regime are as follows. Where a description comes only from one party's pleading it is identified as such.

1. **Procedure.** The Florida Department of Law Enforcement (FDLE) mails a notice of intent; the organisation may submit written objections; the Governor and Cabinet vote at a public meeting; the designation is published in the Florida Administrative Register within seven days of approval (Fla. Stat. § 943.03102(2)(e), as quoted in CAIR-Foundation v. DeSantis 2026). Under an emergency rule, the Governor and Cabinet "may permit, at their sole discretion" the organisation to appear and argue (Rule 11RER26-8(2)(b), as quoted in CAIR-Foundation v. DeSantis 2026).
2. **Timeline in this case.** FDLE mailed notices on 15 September 2026; CAIR and CAIR-Florida received them on 18 September and filed written objections on 25 September; the vote on their designation (subject to pending litigation) took place on 29 September (CAIR-Foundation v. DeSantis 2026). Publication was agreed to be no earlier than 6 October, with effect on 5 November (CAIR-Foundation v. DeSantis 2026).
3. **Review.** A challenge to an approved designation must be brought within 30 days of publication in the Florida Administrative Register, in the circuit court of the Second Judicial Circuit for Leon County (Fla. Stat. § 943.03102(2)(f); Florida Legislature 2026).
4. **Consequences.** State agencies, local authorities and public school districts may not use public funds to support, or contract with, a designated organisation. According to Ahram Online, private schools taking part in state scholarship programmes face restrictions on ownership, employment, contracting and funding involving designated organisations and certain affiliates (Ahram Online 2026); this detail has not been matched line by line to the enrolled text (**unconfirmed against statute**). State universities and Florida College System institutions must expel students who promote a designated organisation (LexCircuit 2026). The Florida Department of State may begin administrative dissolution proceedings against certain designated corporations (Tampa Bay 28 2026). Knowingly providing material support or resources to a designated domestic terrorist organisation is a first-degree felony (Fla. Stat. § 775.33(3), as amended by Ch. 2026-28), punishable by up to 30 years' imprisonment (§ 775.082(3)(b)). A life felony applies only where terrorism under § 775.30 results in death or serious bodily injury (§ 775.30(3)) (Florida Legislature 2026). The

plaintiffs' description of penalties "up to life imprisonment" (ACLU 2026b) goes beyond the material-support offence.

3. How this differs from federal designation

Federal law offers two main tools relevant here. The Secretary of State designates Foreign Terrorist Organisations (FTOs) under section 219 of the Immigration and Nationality Act (8 U.S.C. § 1189), and the Secretary of State and Secretary of the Treasury designate Specially Designated Global Terrorists (SDGTs) under Executive Order 13224. Both apply to foreign persons and entities. There is no general federal power to designate a domestic organisation as a terrorist organisation.

In Washington, the Brotherhood question has been handled chapter by chapter. Executive Order 14362 of 24 November 2025 started a process for considering "certain chapters or other subdivisions" of the Muslim Brotherhood for designation (Executive Office of the President 2025). On 13 January 2026 the Department of State designated the Lebanese Muslim Brotherhood as an FTO and SDGT, and the Office of Foreign Assets Control (OFAC) designated the Egyptian and Jordanian branches as SDGTs for material support to Hamas (US Department of the Treasury 2026a; US Department of State 2026a). The Sudanese Muslim Brotherhood was designated an SDGT on 9 March 2026 and an FTO with effect from 16 March 2026 (US Department of State 2026b; Federal Register 2026). The federal government has not designated the Muslim Brotherhood as a whole, and has not designated CAIR.

Florida's regime therefore diverges from federal practice in three ways:

- **Object.** It reaches a US-incorporated non-profit (CAIR, subject to pending litigation), which federal designation authorities do not.
- **Scope.** It designates "the Muslim Brotherhood" without the chapter-by-chapter distinctions that the federal government has drawn. How a state agency or school is meant to identify an "affiliate" of an undifferentiated transnational movement is not clear from the public material reviewed.
- **Process.** Federal FTO designations rest on an administrative record and are reviewable in the United States Court of Appeals for the District of Columbia Circuit. Florida's process gives the designating body discretion over whether to hear the organisation before it votes. The ACLU reports that the 29 September vote on CAIR's designation (subject to pending litigation) took about thirty seconds and that counsel's request to speak was not acknowledged (ACLU 2026a). The State's account of the meeting has not been located for this draft (**unconfirmed**).

4. The litigation: what the court is likely to weigh

The first HB 1471 case was dismissed on 1 October 2026 for lack of standing, because no designation had yet been made when it was filed in July; a fresh complaint was filed the same day (ACLU n.d.). Judge Walker later recused himself in an order of 15 October 2026, describing the State's efforts to remove him as "meritless" and as "rank judge shopping", while stepping aside to avoid distraction from the legal issues (Order of Disqualification 2026; Bloomberg Law 2026). Chief Judge Winsor heard the emergency application in No. 4:26-cv-521 on 28 October. Reporting indicates that he focused on free-speech arguments and observed that, while the State may have authority to issue designations, the case also concerns the consequences of designation for the organisation (Tallahassee Democrat 2026).

The plaintiffs ask the court either to stop the designation (subject to pending litigation) taking effect or, in the alternative, to prevent state prosecutors from enforcing criminal penalties against the organisations and third parties who associate with them (ACLU 2026b). Three questions seem likely to decide the application:

1. **Due process.** Whether a discretionary right to be heard, exercised against the organisation, meets the minimum requirements of notice and hearing before serious stigma and legal disability attach.
2. **First Amendment association.** Whether penalties for "material support" to a domestic advocacy organisation can be squared with the Supreme Court's reasoning in Holder v. Humanitarian Law Project, 561 U.S. 1 (2010), which upheld the federal material-support ban as applied to designated foreign organisations and stressed that its holding did not extend to domestic organisations.
3. **Pre-emption and foreign affairs.** Whether a state designation of foreign entities, including "the Muslim Brotherhood", intrudes on the federal government's foreign-affairs powers. This argument is not prominent in the material reviewed and is noted as a possible issue only.

A parallel case in Texas shows how such disputes can run slowly. CAIR's Texas chapters challenged Governor Greg Abbott's November 2025 proclamation designating CAIR (subject to pending litigation) in the United States District Court for the Western District of Texas (No. 1:25-cv-01878). By an order of 6 May 2026, Judge Alan D. Albright granted in part motions to compel discovery, limiting donor disclosure largely to foreign donors (foreign donors of US$5,000 or more, 2021–2024) (The Center Square 2026; Daily Signal 2026). No ruling on the merits had been reported as of October 2026 (CourtListener n.d.); this could not be rechecked on the docket and remains **unconfirmed**.

5. Policy implications

For federal policymakers. State regimes now designate organisations that federal authorities have not designated, using lower procedural thresholds. That creates three risks for federal counter-terrorism policy: inconsistent lists that confuse banks, schools and grant-makers working across states; litigation that could produce appellate precedent narrowing the material-support concept generally; and a reduced signalling value for federal designations, which rest on interagency records. A federal–state framework is worth considering, for example guidance from the Department of Justice and Department of Homeland Security on how states should align their lists with the FTO and SDGT lists, or a congressional statement of the limits of state action in this area. H.R. 4397, the Muslim Brotherhood Terrorist Designation Act of 2025, was ordered reported by the House Committee on Foreign Affairs on 3 December 2025 by 35 votes to 14 but has not had a floor vote (Congress.gov n.d.; Jewish Insider 2025). It addresses foreign chapters and would not resolve the domestic question.

For state policymakers. Legislatures elsewhere considering similar laws should note that Florida's executive order was enjoined, and that its statute is now being tested on due-process and speech grounds. Measures most likely to survive review are those that track federal designations, provide an evidentiary record and a right to be heard before a neutral decision-maker, and target conduct rather than association.

For allied governments. European readers should not equate a state designation with federal action. Equally, the European Parliament's vote of 8 October 2026 was a resolution, not a ban, and carries no direct legal effect (European Parliament 2026). Comparisons between transatlantic measures should keep those distinctions clear.

6. Watch points (next 30 days)

- Chief Judge Winsor's ruling in No. 4:26-cv-521 on the emergency application concerning CAIR's designation (subject to pending litigation). As of 3 November 2026 none had been reported; recheck the docket on 4 November 2026.
- Any appeal to the Eleventh Circuit, and the argument and outcome of the pending appeal over Executive Order 25-244 (No. 26-10735).
- Publication details in the Florida Administrative Register and any Leon County circuit court petition.
- Whether other states introduce comparable bills in their 2027 sessions.

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