



Florida Senate Bill 168 Contains Anti-Immigrant Provisions

On May 2, 2019, the controversial Florida [Senate Bill \(SB\) 168](#) passed 22-18 in the Senate and 68-45 in the House. Republican Florida Governor, Ron DeSantis, [campaigning on prohibiting sanctuary cities](#) and, as of May 22, is expected to sign SB 168 into law. **The law will take effect on July 1, 2019** except the section establishing penalties takes effect on October 1, 2019.

Under SB 168, state and local law enforcement are required to actively assist federal immigration officials, at Florida taxpayer expense, in arresting and deporting [Floridians](#). The new law will erode the trust between police and immigrants, undermining local law enforcement's ability to keep all Florida communities safe.

SB 168 is reminiscent of the [Texas SB 4](#) law that has been subject to [litigation](#). Many of the problematic policies contained in SB 4 that conflate the roll of local law enforcement with federal immigration enforcement are also included in Florida's SB 168. For example, SB 168 forces local law enforcement to enforce federal immigration law, requiring local jurisdictions to honor U.S. Immigrations and Customs Enforcement (ICE) detainers. Additionally, SB 168 prohibits local policies that try to protect immigrants.

Below is more information about some of the harmful provisions contained in Florida's SB 168:

- **Prohibits local policies (“sanctuary” policies) that limit enforcement of federal immigration laws.** Such policy is defined in the bill to include “a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local government entity which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
 - Complying with an immigration detainer request;
 - Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee;
 - Providing a federal immigration agency access to an inmate for interview or incarceration status or release date; and
 - Participating in any program or agreement authorized under INA §287(g) which enables collaborations between the federal government and state and local law enforcement.
- **Requires compliance with immigration detainer requests.** This bill *requires* local law enforcement officers in Florida to comply with federal U.S. Immigration Customs Enforcement (ICE) detainers, which several federal courts have already [concluded](#) put local jurisdictions at risk of legal liability for violating the Fourth Amendment.
- **Requires local law enforcement agencies to notify the criminal court judge about immigration detainers.** This bill requires the law enforcement agency with custody of and

individual subject to an immigration detainer to notify the judge of the detainer, record in the person's file the existence of the detainer, and comply with the detainer.

- **Requires cooperation.** This bill requires that local law enforcement agencies use their “best efforts” to support the enforcement of federal immigration law.
- **Prohibits local policies from limiting information sharing.** This bill prohibits local policies limiting state and local officials from transmitting information to federal authorities.
- **Provides for transportation to federal custody.** This bill provides the authority to state and local law enforcement to transfer undocumented individuals convicted of state or local offenses to federal custody.
- **Provides for civil actions.** This bill provides that the Attorney General may initiate civil actions against any state entity, local government entity, or law enforcement agency for violating this chapter or to prevent a violation of the law. Any executive or administrative state, county or municipal official that violates duties under this chapter may be subject to action by the Governor in the exercise of their authority under the Florida Constitution and law.