

Florida SB 1718: Human Smuggling Provision

Information on a new Florida law from CLINIC's State and Local Project



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

For information on other sections of the law, please visit: bit.ly/FloridaSB1718

Provisions in the Law

- Makes it a third-degree felony to “knowingly and willfully” transport into Florida a migrant whom the person “knows, or reasonably should know has entered the United States in violation of law and has not been inspected by the Federal Government since his or her unlawful entry.”
- Each individual transported into Florida counts as a separate offense.
- It is a second-degree felony when someone:
 - Transports a minor into Florida;
 - Commits five or more separate offenses during a single episode;
 - With a prior smuggling conviction commits another offense.

Who Is Impacted

- People transporting undocumented migrants into Florida.
- Law enforcement who will make the determination that a person knew or reasonably should have known the immigration status of the migrant(s) they were transporting.

Important Information for the Community

- This section of the law does not create any new penalties for the undocumented migrants being transported. It focuses on the person doing the transportation.
- An older draft of SB 1718 criminalized not only transportation of the migrants previously mentioned into Florida, but also included transportation, concealing, harboring, or shielding them within Florida. The current smuggling section focuses **only** on transportation into the state of Florida.
- There are concerns around the impacts of this law on travel like school field trips, spiritual retreats, tourism into Florida, and other important travel.

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Want more information on CLINIC's State and Local Immigration Project? Contact Viviana Westbrook at vwestbrook@cliniclegal.org

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Important Information for the Community (Continued)

- This section also states that false information or a false identification given to a law enforcement officer will be used as evidence that the person transporting the migrant was aware of the migrant's immigration status. This raises concerns about migrants who do not know their immigration status and shared what they believed to be true with their driver.
- Immigration law is complex; in some cases it may not be possible to determine a person's immigration status without the analysis of an immigration attorney and the decision of an immigration official or judge.
- This law raises a lot of questions and does not answer them. It is unclear how provisions, especially this one, will be applied or enforced.

Actions to Take

- Track any interactions where local law enforcement is asking for immigration status of individuals.
- People who transport migrants should document how they are presumed to know the details of someone's immigration status. This section could lead to racial profiling, and it is important to keep a record and share this information with organizations who may prepare a lawsuit in the future.
- Consult an attorney if you get picked up and/or charged through this provision.

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