



Florida's SB 1718 • Questions & Answers

SB 1718 is an anti-immigrant law that was passed this year in Florida. It is very broad and is intended to scare immigrants from coming to Florida. These are the main prohibitions and requirements that SB 1718 imposes:

- Prohibits the transportation of certain immigrants into the State of Florida
- Tracks the immigration status of hospital patients
- Prohibits public funding for local ID programs
- Invalidates some out-of-state driver's licenses
- Expands the use of E-Verify for private employers with 25 or more permanent employees
- Prohibits granting law licenses to undocumented law students
- Removes some protections for some crime victims when they are detained
- Mandates DNA collections for immigrants who have been arrested and have a civil ICE detainer request
- Increases law enforcement involvement in immigration enforcement by equating immigration issues with terrorism

Q: When does SB 1718 go into effect?

A: Most sections of SB 1718 went into effect on July 1, 2023.

Q: Can I give a ride to an undocumented immigrant? What if they are a family member?

A: Drivers who transport immigrants who have never been “inspected,” entered the U.S. “in violation of law,” and possibly those whose status has not been regularized and mixed status families are at risk of a felony charge. If you are unsure what you or your family member’s immigration status is or you believe there might be an immigration designation or relief you might qualify for, you should talk to a licensed immigration attorney to discuss your options (NOT a “notario”). An immigration attorney can also help clarify how this law applies to you.

Q: If I live with an undocumented immigrant, am I violating SB 1718?

A: NO. An earlier version of the bill was much harsher, but that version did NOT pass. The law is now limited only to transportation of such persons into the State of Florida.

Q: Can I take a vacation outside of Florida and later return to Florida without a problem?

A: It depends. It is possible that your driver may be stopped by law enforcement when you re-enter Florida if you travel from another state into the State of Florida. The law could lead to charges against the driver if they “knowingly and willfully” transport a passenger who entered the U.S. “in violation of law” and was never “inspected” by the federal government when the passenger entered the U.S.

In this situation, the driver could be stopped, receive a ticket, or be arrested.

Q: Can I drive my kids to school and/or their extra curricular activities in Florida? Go shopping for groceries? Attend church services?

A: YES. You can go about your daily transportation within Florida. SB 1718 only addresses entrance into Florida. Your daily activities that require travel within Florida are not covered under the bill and should not be affected.

Q: Can I use public transportation in Florida (i.e. city buses, trains, metro-rails, etc.)?

A: YES. There is no requirement under any law in Florida, including SB 1718, that allows drivers of public

transportation to ask passengers about their immigration status.

- You CAN use public transportation;
- You are NOT required to disclose information about your immigration status to use public transportation;
- You are NOT required to answer questions about your immigration status if asked by any public bus driver.

Q: If I drive my car with an undocumented passenger inside, am I violating SB 1718?

Only if you are driving into Florida from another state. If you enter Florida from Georgia or Alabama, for example, while traveling with an undocumented person, that could violate SB 1718.

The bill prohibits a driver from “knowingly and willingly” transporting anyone who entered the U.S. “in violation the law” and was never “inspected” by the federal government since entry—although, it remains unclear what the term “inspected” means for purposes of the bill.

This may not stop law enforcement officers from pulling you over for other reasons.



Law enforcement officers cannot stop you without a reason. An officer can only stop you long enough to confirm whether a traffic violation has occurred, or any other crime for which the officer must have “reasonable suspicion.”

Q: Does SB 1718 mean I will have to provide my immigration status if I go to the hospital?

A: NO. SB 1718 only requires staff in hospitals that receive Medicaid funding to ask for your immigration status on the patient admission or hospital registration form. You are NOT required to tell anyone in the hospital your immigration status. Everyone, including U.S. and permanent residents, can and should decline to answer any question asking for your immigration status.

Q: Can a hospital refuse me treatment based on my immigration status or lack of status?

A: NO. Hospitals are obligated by law to provide emergency services to everyone, regardless of their immigration status. SB 1718 requires the hospital to let you know that no matter how you answer the question asking for your immigration status, your answer WILL NOT impact patient care.

Q: Are hospital staff required to inform ICE or other government authorities about my immigration status if they find out I am undocumented?

A: NO. Neither SB 1718, nor any other law in Florida, requires hospital staff to inform ICE about any patient’s immigration status. SB 1718 requires the hospital to let you know that no matter how you answer the question asking for your immigration status, your answer WILL NOT result in contact to immigration authorities.

Q: If I am currently working without a valid work authorization, is my employer required to confirm my immigration status in E-Verify?

A: NO. SB 1718 only requires employers to confirm the identities of new hires in E-Verify after July 1, 2023.

If you work for a company with less than 25 permanent employees, the company is not required to use E-Verify. If you were hired in Florida before July 1, 2023, your employer is not required to confirm your immigration status in E-Verify. If you have an I-9, it remains valid despite this section of the bill.

Q: What is E-verify?

A: E-Verify compares Form I-9 data with government records. When an employer uses E-Verify, the proper sequence is to hire the workers, complete the Form I-9, and then run the worker’s information through the E-Verify system.

Q: What happens if I have employment authorization, but E-Verify says I do not?

A: If you believe the E-Verify system made a mistake in reporting that you do not have permission to work, you have the right to resolve this “mismatch” within eight working days. If the employer does not let you correct the error, suspends, fires, or takes any other negative action against you, you should call the DOJ Immigrant Justice and Employee Rights (“IER”) Section’s worker hotline at 1-800-255-7688. IER is an office within the federal government that is responsible for protecting workers from immigration related discrimination.

Q: What should I do if I am stopped by the police and have an undocumented passenger?

A: Both drivers and passengers have the right to remain silent. No one in the car should volunteer their immigration status.

Drivers may be:

- Asked for their driver’s license or asked for their identity in a minimally intrusive way;
- Prevented from leaving the police officer’s presence temporarily and for a reasonable amount of time, i.e., long enough to confirm your identity;
- Searched only if the officer reasonably believes that you are armed with a dangerous weapon. You do NOT have to consent to a search.

Passengers should:

- Not be asked any questions by an officer issuing a driver a traffic citation.
- Maintain their right to remain silent, even if asked about their immigration status.
- Not have to provide any information during a traffic stop, including: name, place of birth, immigration status, documentation, etc.

Q: What happens if I use false identification to obtain work in Florida?

A: This will be a felony beginning on July 1, 2024 punishable by up to 5 years in jail and fines up to \$5,000.

Q: Is there anyone I can contact to get more information about SB 1718?

A: Yes! You can contact the free hotline for the Florida Immigrant Coalition at 1-888-600-5762.