



THIS IS NOT OVER:

2019 LEGISLATIVE SESSION REPORT

ACLU
Florida

61 days. That's how long the 2019 Florida Legislative Session lasted. By the time it was over, the Florida Legislature undid years of progress on civil liberties and civil rights.

The 2019 Florida Legislative Session was the most devastating session for Floridians' civil rights and civil liberties in at least a decade. With strong support from Governor Ron DeSantis, the legislature passed anti-civil liberties bills that will tear families apart and codify racial profiling into law, bar hundreds of thousands of Floridians from voting, exacerbate the school to prison pipeline, and divert taxpayer dollars from public school education to fund private religious schools, while making only the most modest of reforms to our broken criminal justice system. Freedom, equality, justice, and the values we share as Americans were all badly undermined this year.

Resisting attacks on our civil rights and civil liberties

Working through a network of tens of thousands of committed activists across the state, the American Civil Liberties Union of Florida called on the legislature to protect Floridians' civil rights. We were proud to stand alongside businesses, faith leaders, students, local and state leaders and thousands of Floridians, as we collectively demanded that our elected officials in Tallahassee defend democracy, uphold the Constitution, and ensure that the rights of every person in Florida are protected. Rather than heeding that call, Gov. DeSantis and the legislature have turned back the clock on justice and civil liberties in ways that will immediately harm all Floridians.

Despite the session's bleak record, our shared values still prevailed in many instances. Thanks to the work of the ACLU of Florida, allies, and committed activists around the state, only a handful of the 215 bills that we monitored this year actually passed. Throughout the session, we used every opportunity to ensure that elected officials heard from members of the civil liberties movement on issues of concern. Those voices made

a difference. As a result of these efforts, just 7 of the 25 bills we actively opposed passed, while 2 of the 25 bills that we actively supported passed.

This year, voting rights, immigrants' rights, and our broken criminal justice system were among the most high-profile issues considered by the Legislature.





ACLU

**DISSENT IS
PATRIOTIC**

BY THE NUMBERS

Days in the 2019 legislative session	61
Legislators in both the House and Senate	160
Bills tracked	215
Bills ACLU supported	25
Bills ACLU opposed	25
Supporter Trainings	29
Attendees at the 2019 Lobby Day	300+
Calls made to legislators	1,275
Emails sent to legislators	4,000+
Personal letters written by ambassadors	53

JIM CROW LAWS HAVE NO PLACE IN FLORIDA

Denying the right to vote to formerly incarcerated people is rooted in racism



In the United States, 6.1 million people have permanently lost the eligibility to vote because of a past felony conviction. Florida accounted for nearly 25 percent, or 1.6 million, of the people who have lost their right to vote. As a result, one in ten Floridians were shut out of our democracy.

For 150 years, Florida remained one of only four states that permanently stripped a person's right to vote if they had a felony conviction. For decades, state lawmakers had the chance to be on the right side of history and restore the right to vote to Floridians with felony convictions but failed to do so.

In November 2018, Floridians took it upon themselves to change this racist and discriminatory law and remove an ugly stain that has been in our state's constitution since the Civil War era. With 64.55 percent of the vote, Floridians overwhelmingly approved the Voting Restoration Amendment and effectively restored

the right to vote to 1.4 million individuals with prior felony convictions.

On January 8, Amendment 4 went into effect and hundreds of returning citizens journeyed to their Supervisor of Elections offices across the state to register to vote - some for the first time in decades including: Keith Ivey, Jr., a local successful Jacksonville businessman, Clarence Office, Jr., a U.S. Army Veteran who was honorably discharged and now works with the Veterans Administration in Miami helping troubled veterans get back on their feet, Alan Rhyelle of Sarasota, a Vietnam veteran who was awarded the Purple Heart for his service to our country and Tranassa White, a local community advocate based in Pensacola.

Governor DeSantis undermines Amendment 4, legislature follows along

After some prompting from Gov. DeSantis, state lawmakers dedicated themselves to ripping those rights away again. During the 2019 Legislative Session, state lawmakers worked quickly to undo the impact of Amendment 4 and deny voting rights to hundreds of thousands of Floridians. Senate Bill 7066 — which passed the Senate by a vote of 22 yeas vs. 17 nays and the House by 67 yeas vs. 42 nays on May 3 — effectively created a poll tax, making voting rights contingent upon full payment of all civil financial obligations after completion of one's criminal sentence including probation and parole. The Florida Legislature re-embraced the state's Jim Crow past and conditioned an individual's right to vote on their ability to pay.

As the move to undermine Amendment 4 progressed in the Legislature, the ACLU of Florida mobilized volunteers, advocates and directly impacted individuals across the state to combat the legislature's attempt to undermine the will of Florida voters. These efforts included direct



The Legislature chose to restrict voting rights.

BY THE NUMBERS:

House Vote: 67 Yeas / 42 Nays
Senate Vote: 22 Yeas / 17 Nays

lobbying, testifying in every hearing before House and Senate state lawmakers, rallies in district offices, calls and emails to House and Senate members, and media production including digital and traditional media content. These efforts resulted in the final bill being less onerous than some versions under consideration, and proved to legislators that Floridians care deeply about their democracy.

Our country's history of mass incarceration and voter suppression – both targeting people of color – make clear what this issue is really about. This 21st-century Jim Crow era poll tax will disproportionately impact Black voters. A Brennan Center analysis shows that Floridians who registered to vote between January and March of this year, more than 44 percent identified themselves in their voter registration forms as Black, whereas Black voters comprise 13 percent of Florida's overall voter population. It also showed that the average income of the formerly incarcerated Floridians who registered to vote between January and March is nearly \$15,000 below that of the average Florida voter.

This new legislation will clearly impact Black voters and poor voters and will deny hundreds of thousands of Floridians the right to participate in elections solely because they don't have enough money.

Protecting the unfinished business of the civil rights movement

That's why, even though the legislature has adjourned, this fight is not over. We will continue to oppose this law that creates wealth-based hurdles to voting and undermines Floridians' overwhelming support for Amendment 4.

As voting rights remain under attack across the country, we are dedicated to fighting back to make sure every American's right to vote is protected.

The ability to vote should not be based on the size of one's bank account.

FLORIDA SHOULD BE A WELCOMING STATE

Fighting back against attacks on Florida's immigrant communities

Florida is home to a vibrant immigrant community. One in five Florida residents is an immigrant, making up more than a fourth of Florida's labor force. The vast immigrant community in Florida is made up of small business owners, farmers, teachers, military personnel, neighbors, and taxpayers and they make extensive contributions to Florida's economy.

Despite the contributions Florida's immigrant communities have on our thriving state, Governor DeSantis' top legislative priority was to take a page out of the Trump Administration's book and pass extreme anti-immigrant legislation. Both chambers of the legislature complied with that priority, passing a bill that will enhance an environment of fear and racial profiling in our once welcoming state.

The new law, Senate Bill 168, will force local law enforcement to act as Immigration and Customs Enforcement (ICE) agents, divert much-needed

resources away from local law enforcement toward detaining individuals for deportation, expose government entities to significant liability for constitutional violations, and put a target on the backs of people of color — regardless of citizenship. The bill is designed to maximize harassment and intimidation of immigrants, and to encourage a climate of anti-immigrant extremism.

Thanks to the Florida Legislature, no one is safe from ICE's deportation machine

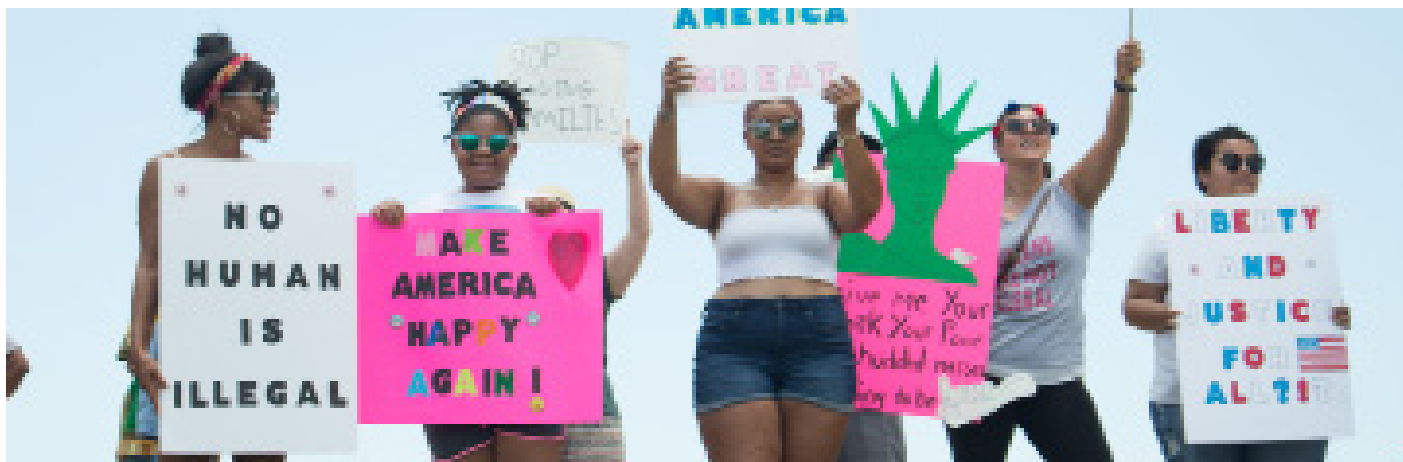
Similar policies have been in place throughout different counties in Florida, namely Miami-Dade County and Monroe County, both of which are currently facing lawsuits for unconstitutionally detaining people under those policies. The litigation in those counties has revealed persistent, systemic problems in the policies. Among the problems is that hundreds of U.S. citizens have been wrongly detained, with over 400 wrongful detentions of U.S. citizens in



The Legislature chose to implement Trump's deportation machine in Florida.

BY THE NUMBERS:

- House Vote: 68 Yeas / 45 Nays
- Senate Vote: 22 Yeas / 18 Nays



Senate Bill 168 is about forcing local law enforcement to blindly carry out unlawful and unreliable ICE requests, in ways that are affronts to civil rights and human dignity.

Miami-Dade in 2017 alone. Those individuals were detained by the county at ICE's request, even though citizens can't be deported or held by ICE. These problems will now be replicated on a statewide scale, thanks to the new bill.

As the bill progressed in both legislative chambers, the ACLU of Florida issued a travel advisory, alongside coalition partners, to inform individuals traveling to Florida to anticipate the possible violation of their constitutional rights if this bill should become law. The alert cautioned both Florida travelers and residents, especially Black, Brown & Latinx communities, of the increased likelihood of racial profiling, unjust detention, and possible deportation if this anti-immigrant bill passed. The effort received both statewide and national attention, and also led to over 120 business leaders signing on to an open letter opposing this bill and highlighting immigrants' essential role in supporting and growing our state's economy.

The bill also received vocal opposition from Florida's Agriculture Commissioner, who noted that "over 54 percent of Florida's immigrants work in farming, fishing, or forestry." Even Miami-Dade's Sheriff Jorge Colina said he wouldn't be able to sleep at night if he had to "check where someone came from before helping them."

Even though this bill passed, the ACLU of Florida remains engaged and committed to exploring all options to ensure that the right to due process and equal treatment of all Floridians remain intact.

SENATE BILL 168 WILL HAVE A DEVASTATING IMPACT ON FLORIDA.

- **Tear families apart** by forcing local law enforcement officers to carry out ICE's unjust and inhumane immigration policies that local law enforcement is not required by law to implement.
- **Further weaken trust** in law enforcement by encouraging racial and ethnic profiling.
- **Endanger communities** by discouraging victims and witnesses from reporting crimes.
- **Waste taxpayer money** by forcing local police to do ICE's job at taxpayer expense.
- **U.S. citizens will be caught in the crossfire** because of ICE's overzealous and unreliable detainer system that places undue burdens on local law enforcement agencies.

FLORIDA DESERVES BETTER JUSTICE

Reforming our broken criminal justice system

Florida entered the 2019 Legislative Session with a criminal justice system plagued by mass incarceration, endemic racial disparities in the execution of justice, and a school-to-prison pipeline that is ruining countless young lives. It ended the session in much the same place.

Like most states, Florida's prison population has exploded in recent decades, growing by roughly 1,048%, while the state's total population increased only by 193% between 1970 and 2014. It costs Florida approximately \$20,000 per year to lock someone up in a state prison. That results in over \$2 billion dollars in annual costs to taxpayers – tax dollars that could be better spent on education, infrastructure and boosting our economy.

Unsurprisingly, Florida's mass incarceration machine has a disproportionate impact on Black and Brown people. While Black people constituted only 16 percent of the state population in 2016, they made up nearly 50 percent of the Florida prison population. The mass incarceration machine also impacts women in Florida heavily. Between 1980 and 2016, the state's female imprisonment rate per capita increased 306 percent.

Fighting to end the mass incarceration machine during the legislative session

During the 2019 Legislative Session, a coalition led by the ACLU of Florida, the Southern Poverty

Law Center, and the Florida Rights Restoration Coalition urged reforms that would have a positive and real impact on Florida's criminal justice system.

This resulted in the coalition strongly opposing the first version of the Florida First Step Act, modeled after the Federal First Step Act, because the bill didn't actually get anyone out of prison and made racial disparities in our justice system worse. Then, state lawmakers in the Senate started to listen to calls from advocates. They introduced amendments to the Florida First Step Act that would have had a major impact on our justice system and resulted in getting 9,000 people out of prison and saving more than \$850 million in taxpayer money over the next five years.

Eliminating racial disparities from our justice system

While legislators were presented with a clear path toward alleviating the problems in Florida's criminal justice system through the improved version of the Florida First Step Act, they chose to take a "baby step" on criminal justice reform instead of addressing core problems and adopted House Bill 7125. Despite this, the ACLU of Florida is committed to ending racism in our criminal justice system. Floridians deserve better and we won't stop working for reform until our justice system is more fair and equal for all.

HB 7125 does not get a single person out of prison or invest a single dollar in mental health, drug treatment or reentry services.





WOMEN'S RIGHTS ARE HUMAN RIGHTS

Women's rights and reproductive justice in Florida

Among the positive steps Florida took this year was passage of the Dignity Act, a new law that will require correctional facilities to provide incarcerated women with necessary feminine hygiene products, including tampons, sanitary napkins, toothpaste, and no-lye soap at no additional cost. It also restricts male correctional officers from conducting pat-down searches and body cavity searches and restricts them from entering spaces where incarcerated women are in a state of undress.

Florida almost joined the ranks of other states that banned abortion but didn't

Florida also tried to become one of the latest states to restrict access to abortion and healthcare for women. Legislators filed several bills this session as an attempt to block access to women's healthcare and chip away at our constitutional right to determine for ourselves whether and when to have a child. These bills included a bill that would force minors to give birth against

their will; a bill that would make it a felony to perform an abortion on a pregnant woman after a fetal heartbeat has been detected; and a bill that would ban abortion in Florida after 20 weeks of gestation.

While none of these bills passed the Florida Legislature, we are prepared to fight any attempt to undermine or restrict a woman's access to medically necessary care. It's no coincidence that this is happening now. Reinvigorated by the Trump Administration, these bans are the culmination of a decades-long, nationwide effort to eliminate access to abortion. Medical decisions should be made by patients and their doctors, not politicians. The ACLU has filed lawsuits in Georgia, Alabama, Ohio, and Kentucky to protect access to abortion. Should similar bills move forward in Florida next year or in the future, we'll see them in court.

“Abortion is healthcare.
Abortion is a constitutional right.”

EXACERBATING THE SCHOOL TO PRISON PIPELINE IN FLORIDA

Reforming a juvenile justice system

This year, lawmakers were tasked with legislating the “reforms” supported by the Marjory Stoneman Douglas School Commission, which they did in SB 7030. In the aftermath of the tragic shooting at Marjory Stoneman Douglas in Parkland, Florida lawmakers chose to return to the troubling and counterproductive policies. These policies, such as increased policing in schools, have a disproportionate impact on youth of color, youth with disabilities, and LGBTQ and gender-nonconforming youth.

In line with the ACLU’s call for increased investment in school-based mental health providers to bolster safe school climates, the Florida Legislature required school districts to develop a plan to spend state school mental health dollars on employing school-based mental health providers, increase the time mental health providers spend on direct services to students, and improve early identification and treatment of social, emotional, and behavioral health

problems amongst other initiatives. Instead of solely focusing on increasing school-based mental health services and programming focused on building healthy school climates where students feel safe to learn, the bill (SB 7030) also increased school policing and eroded student privacy rights. The law requires that every school have a “safe school officer,” but the legislation, beyond arming teachers, allows the school to hire or contract a security guard and requires no special training for police officers to serve as school resource officers. More guns on school campuses results in more violence, not less. We know from research on police-involved shootings and implicit bias in schools that Black students will be disparately impacted.

Returning to the failed zero tolerance policies of the past will only exacerbate the school-to-prison pipeline. With the passage of this legislation, Florida schools will more closely resemble prisons, and students will be more fearful and less safe.

“Florida prosecutes more children as adults than any other state, and it is one of the only states that has no judicial involvement in this life-altering decision.”

OTHER BILLS THAT AFFECT FLORIDIANS’ CIVIL LIBERTIES

Undermining Citizens Initiatives

Florida already has one of the most burdensome citizen-initiative processes in the country, yet state lawmakers chose to severely limit citizen-initiative access to the ballot.

This new legislation creates unnecessary, unconstitutional, and overly burdensome obstacles for Floridians who wish to propose amendments to our Constitution. The new law will make it even more difficult for citizen initiatives to gain access to the ballot.

Unconstitutional Public Financing of Private Religious Schools

Despite a 2006 Florida Supreme Court ruling in *Bush v. Holmes* that held a similar effort was unconstitutional, legislators passed an expansion of the school voucher program that will allow Florida taxpayer dollars to flow to private schools, primarily private religious schools.

Diverting taxpayer dollars from public education to private religious schools raises significant constitutional concerns regarding the separation of church and state. Passage of the bill means less money and fewer resources for already underfunded public schools.

The 2019 Florida legislative session is over, but the battle to defend the civil rights that Governor DeSantis and the Florida Legislature attacked is not over. The ACLU of Florida is poised and ready to continue to defend Floridians' civil liberties.

On voting rights, immigrants' rights, and criminal justice reform, the ACLU of Florida and civil liberties advocates will refuse to be quiet or quiescent in the face of bills that undermine our constitutional rights. Instead, we will continue the fight in courts and communities across Florida, until the full promise of freedom, justice, and equality for every resident of the state is realized.

Most importantly, the ACLU of Florida is already looking ahead to the 2020 legislative session, when we know that the battles over civil liberties will be even more pitched and intense. Thanks to the strong support of ACLU of Florida activists and donors, we will make the 2019 legislative session, and all the debilitating harm it will do to civil rights in Florida, an anomaly rather than the norm.

We will continue to put elected officials at every level — from Gov. DeSantis to state legislators to sheriffs to school board members — on notice: any time they adopt policies that undermine our rights, our movement will be present, vocal, and active.

That's why, no matter what attacks on civil liberties the politicians may launch or how often they feel they have succeeded, this is not over.



