

February 8, 2023

DELIVERED VIA EMAIL

Judiciary Committee
Florida House of Representatives
417 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

**Re: ACLU of Florida Written Testimony in Opposition to HB 5B/SB 6B
(Human Transport Program)**



4343 W. Flagler St.
Miami, FL
(786) 363-2700
acluf.org

Kirk Bailey
Political Director

Kara Gross
*Legislative Director and
Senior Policy Counsel*

Dear Chair Gregory and House Judiciary Committee Members:

The ACLU of Florida is a nonpartisan organization whose mission is to protect, defend, strengthen, and promote the constitutional rights and civil liberties of all people in Florida. On behalf of our 180,000 members and supporters in Florida, we write in opposition to HB 5B/SB 6B, a bill establishing the “Unauthorized Alien Transport Program.” We respectfully request that you vote “No” on this harmful legislation. Additionally, we request that this written testimony be included in the meeting record on the bill.

Last fall, as the world looked on in horror, Governor DeSantis spent nearly \$1.6 million in taxpayers funds to arrange the infamous and cruel transport of migrants to Martha’s Vineyard. The Governor, who is facing multiple lawsuits for this action, seeks to use this special session to evade accountability, codify this program, and set the stage for further targeting of immigrant families.

What the Bill Does

This bill seeks to establish the “Unauthorized Alien Transport Program” within Florida’s Department of Emergency Management (DEM), the purpose of which is to facilitate the transport of “inspected unauthorized aliens” within the United States. The bill defines “inspected unauthorized alien,” a term not recognized in immigration law, as a foreign national who has U.S. government documentation indicating that the U.S. government processed and released the foreign national into the United States without admitting the foreign national in accordance with the federal Immigration and Nationality Act. The bill also repeals Section 185 of ch. 2022-156, Laws of Florida, which appropriated \$12 million of interest earnings accrued from money the State received from the Coronavirus State Fiscal Recovery Fund. This appropriation was used to fund last year’s migrant flights to Martha’s Vineyard via Florida’s Department of Transportation. This bill seeks to reestablish the program through DEM with a nonrecurring appropriation of \$10 million from the State’s General Revenue Fund.



The Bill Represents Government Abuse of Power and Overreach

This bill seeks to reestablish an abhorrent program through a different state agency using the State's General Revenue Fund. Additionally, it seeks to absolve the state of wrongdoing for last year's misuse of funds and frustrate efforts to seek accountability. Because last year's "relocation program" faces several legal challenges, the Governor is now seeking to repeal the law establishing the original program and create a new one within a different department and via a different funding stream. This is an egregious abuse of government power and an attempt to mitigate ongoing legal consequences. Further, the U.S. Constitution clearly identifies the federal government as the sole and exclusive power to regulate immigration policy. A State intervening in immigration policy in this way is a clear example of government overreach.

This Bill Wastes Taxpayers Money

Expelling migrant families from Florida wastes state resources and taxpayer money. The flights from last fall are already costing taxpayers millions, including both the private flight costs and legal fees, and litigation costs will likely continue. The reestablished program would cost taxpayers at least \$10 million, with legal fees expected if it were to become law. Calling a special session to fast track this bill, instead of having it be considered during the regular legislative session, is also costly to taxpayers and resource intensive. Taxpayer funding should be used to help everyday Floridians address crucial needs such as rising housing, insurance, and healthcare costs, and not to support a politically-motivated and cruel human transport program.

This Bill Hurts Families and Florida

We know that the families sent to Martha's Vineyard last year arrived with no food, water, or shelter, and may not have been clear about their final destination. Many individuals and their families are arriving in extremely vulnerable conditions, fleeing political and economic instability, persecution, and violence that threatens their lives and ability to protect themselves and their families. Florida's legislators should not enact any program that leads to human beings, including children, experiencing further trauma and being put in these types of situations.

Floridians are not better off by expelling migrant families away from the State. In fact, it is quite the opposite. Florida's communities have prospered by welcoming people from all over the world. We see these benefits in our communities with high immigrant populations, such as within the South Florida corridor, which has thrived by welcoming newcomers for decades.

Immigrants make up approximately 21 percent of the population in our State, yet make up 26.5 percent of our labor force and 34.6 percent of our total share of entrepreneurs. Additionally, immigrants contribute billions of dollars in State and local taxes, as well as provide numerous other contributions to our economy.

Conclusion

Everyday Floridians are suffering and barely able to make ends meet -- we need our legislature to focus on and invest in public education, affordable housing, healthcare access, and job creation for all Floridians. These are the reforms the legislature should be prioritizing if the goal is truly to improve the health and safety of Floridians. The proposed human transport program accomplishes none of these.

For all the above reasons, we urge you to vote "No" on HB 5B/SB 6B. Please do not hesitate to contact me at kgross@aclufl.org, if you have any questions or would like any additional information.

Sincerely



Legislative Director &
Senior Policy Counsel

