

GUIDANCE ON FLORIDA'S NEW ANTI-IMMIGRANT LAW (SB 1718)



One in five Floridians are immigrants and over 700,000 people are part of a mixed status family. As Floridians, we all interact with immigrants with varying immigration statuses, whether we are aware of it or not, as a part of our daily lives. They are our neighbors, our friends, our co-workers and are an integral part of our communities. Unfortunately, despite immigrants being part of the fabric of Florida, they continue to be targeted.

During the 2023 legislative session, the Florida Legislature passed and Governor DeSantis signed SB 1718, an anti-immigrant law that criminalizes Floridians for traveling across state lines into Florida with undocumented immigrants and creates other policies that endanger or make life harder for non-citizens and those close to them.

Given this new state law, it is important for Floridians and others traveling into Florida to understand the risks of interstate travel with undocumented people.

Read on to learn how this law impacts people in specific circumstances and guidance to avoid criminalization and keep people safe.

Please note that this guidance does not serve as legal advice and uncertainty remains in how this law will be implemented in specific situations.

General Guidelines

According to this anti-immigrant law, what does being undocumented mean?

This new law does not adequately define what it means to be undocumented. This lack of clarity is one of the biggest problems with the law. It does not clearly define who the law is targeting and thus opens the door for over-enforcement and racial profiling. If you have questions about whether your status qualifies as “undocumented” pursuant to this law, it is recommended you seek immigration counsel.

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Do I need to share my immigration status with the police or anyone else that asks?

No. You have the right to remain silent. Legally, you are not required to answer questions about where you were born, whether you're a U.S. citizen, or how you entered the country. Note that even though you are not legally required to answer law enforcement questions, this does not mean that an officer won't exercise their discretion to detain or arrest you for failing to respond to their questions; it just means that if they do arrest you, an attorney will have grounds to argue that the arrest was unlawful. (Please note that separate rules apply at international borders and airports.)

Do I need to share my identity with Florida law enforcement or anyone else that asks?

You are only expected to identify yourself to Florida law enforcement officers (police officers and Sheriff's deputies, not immigration or FBI agents) when you are stopped on suspicion of a state crime or a traffic violation. If you do not have identification documents, you may choose to remain silent. You are not obligated to provide your name or "show your papers" to an ICE officer for any reason. However, please note that providing a false name or identification, or falsely claiming to be a U.S. citizen may lead to criminal and civil penalties. [Learn more guidance here.](#)

If I am a U.S. citizen, and my mom is undocumented, can I drive her around town or another city within Florida?

Yes. This law only applies to traveling across state lines into Florida with undocumented people, not within Florida.

If I am a U.S. citizen, and my mom is undocumented, can I drive her to Georgia for a trip and back?

No. This law may penalize people who drive into Florida with undocumented people. It does not explicitly exclude family members or friends. Under this scenario, the law does not prohibit driving out of state to Georgia with your mom, but would prohibit the return trip back to Florida.

My aunt in Alabama is undocumented. Can I drive her from Alabama to my home in Florida to stay with me? Can her U.S. citizen daughter, who lives with her in Alabama, drive her to Florida to visit me?

No. This law may penalize people who drive into Florida with undocumented people. It does not explicitly exclude family members or friends.

Can my cousin who is undocumented take a bus across state lines to visit me in Florida?

Yes, as long as your cousin is not driving and the bus driver has no reason to believe they are undocumented. If that bus is stopped and immigration agents are present, they have the right to remain silent. [Learn more guidance here.](#)

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Can a family member or friend that is undocumented and has a drivers license from another state legally drive in Florida?

No. The law invalidates out of state licenses that are issued to undocumented immigrants. If they live in a state where immigration status is not requested upon issuing a driver's license, this license is not recognized in Florida if they are undocumented.

Can an undocumented person with a legal license from another state drive to Disney for a vacation?

No. The law invalidates out of state licenses that are issued to undocumented immigrants. If they live in a state where immigration status is not requested upon issuing a driver's license, this license is not recognized in Florida.

Can I still go to the doctor's office or hospital and seek health care?

Yes. This law does not bar undocumented people from seeking healthcare in any setting.

If I go to a hospital, do I have to answer any questions related to my immigration status on paperwork?

No. Even if a question about your immigration status is presented on a hospital form, you are not required to answer.

If medical staff verbally ask me a question about my immigration status at the hospital or at a doctor's office, do I have to answer?

No, you are not required to answer any questions about your immigration status in these settings.

Can a hospital refuse service or treat me differently if I don't answer a question about my immigration status?

No, you are not required to answer any questions about your immigration status at the hospital. The law does not allow the refusal of service due to anything related to actual or perceived immigration status.

Can a person with a Community ID issued by the County they live in still use it?

Yes. Community IDs are legal in the Counties that have passed Community ID legislation and issued them to their community members. For example, if you live in Miami-Dade or Broward County and have previously acquired a Community ID via a nonprofit organization working with the City, these IDs are recognized in your County and safe to use.

Can a DACA recipient practice law? What if they are currently in law school?

Only DACA recipients or undocumented people that meet the criteria in this Florida statute may obtain a license to practice law in Florida before November 1, 2028. After this date, these categories of people may not be able to obtain law licenses.

If you would like to report an incident where you believe your rights have been violated as a result of this law, please call the Florida Immigrant Coalition's hotline at 1-888-600-5762.