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OPINION

Contradictions, confusion in anti-immigrant bill | Commentary

By **MARK PRADA AND JOHN PATRICK PRATT**

GUEST COLUMNIST

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HB 1355/SB 1808 is among the most controversial bills this legislative session. It creates economic hardship and legal liability for transportation businesses bringing immigrants into Florida.

The bill forms part of a series of anti-immigrant measures by Gov. Ron DeSantis and his allies. Proponents of these efforts have one thing in common: a minimal understanding of the complex body of immigration laws, regulations, and policies. Any way this proposed law is implemented will violate the U.S. Constitution. Yet, despite confusion and uncertainty surrounding the law's meaning and consequences, the House and Senate

versions are on their way to the floor.



Mark Prada is the co-founder of Prada Urizar, PLLC. John Patrick Pratt is a Partner at Kurzban, Kurzban, Tetzeli & Pratt, P.A. - Original Credit: Courtesy photos (Courtesy photo)

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HB 1355/SB 1808 will prohibit businesses that transport “unauthorized aliens” into Florida from contracting with local or state government agencies. However, the majority of legislators during the committee hearings failed to accept that “unauthorized alien” is a *legal* term with a *legal* **definition** contained in immigration law.

Undocumented persons cannot board flights without REAL IDs anyway. So, what is the true issue? This proposed bill impacts millions of people who *have permission* from the federal government to be in the U.S., but bill sponsors don’t seem to care. Legislators heard ad nauseam that the definition of “unauthorized alien” in the original bill text is found in immigration laws covering employment authorization.

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Their solution — an amendment incorporating *all* federal immigration laws into the bill to avoid analyzing who is “unlawfully present,” although that term requires a nuanced understanding of immigration regulations. This mess leaves transportation companies with no clear way to decipher who can travel to Florida and avoid violating this poorly written proposed law.

Transportation companies will need to become immigration law experts to grant or deny service to dozens of categories of people prohibited from traveling to Florida, even though the federal law gives them permission to be here.

For example, Afghan evacuees, unaccompanied children, family members of active U.S. military servicemembers, asylum-seekers, trafficking victims, and TPS holders could be prevented from boarding a plane to Florida. Another interpretation of the bill deems tourists who cannot get work authorization to be “unauthorized aliens,” even with a valid visa and in valid status.

Alarming, this bill will absolutely impact unaccompanied children. The bill sponsors wrongly believe children are protected by the proposed amendment. Unaccompanied children are placed in removal proceedings and can be

deported despite protections under the Flores Settlement Agreement, the William Wilberforce Trafficking Victims Protection Reauthorization Act, and other federal laws. HB 1355/SB 1808 places these children squarely within the bill’s definition of “unauthorized alien” due to the maze of statutes and regulations governing their admissibility in federal immigration law.

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The purpose of HB 1355/SB 1808 is clear — to prevent children escaping wars and abuse from being in Florida. SB 1808/HB 1355 follows anti-immigrant administrative efforts targeting unaccompanied children seeking refuge in the U.S. The governor and the Department of Children and Families have characterized these children as a danger to Florida to justify eliminating licenses for agencies caring for them ([EO 221-223](#); [Rule 65C-9.004](#)). The bill sponsors falsely claimed these children would not be harmed by the bill and then *rejected* every amendment explicitly exempting them. The net result is that these children will never reach the many faith-based organizations dedicated to placing them with family, such as Bethany Christian Services and Catholic Charities.

According to Republican legislators, these measures are necessary to stop flights taking place “under the cover of darkness,” on which immigrant children, like those who may soon arrive from Ukraine, are transported to be

reunited with their families or taken to child-care agencies. These alleged “**secret flights**” are a false narrative. For over 20 years, under both Republican and Democratic presidential administrations, these flights have been well-documented, and require flight-plans complying with federal aviation laws.



the integrity of federal immigration laws. If every state implements similar legislation, we will have 50 formulations of immigration laws with disastrous outcomes. Passengers will need to ensure they have no layovers in Florida and Uber drivers who cross the Florida border will be de facto ICE officials determining the immigration status of their customers. This is unconstitutional, would result in serious costs, and is simply absurd.

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