

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 1:19-CV-22927-BLOOM/Louis

CITY OF SOUTH MIAMI; FLORIDA IMMIGRANT COALITION, INC.; THE FARMWORKER ASSOCIATION OF FLORIDA INC.; FAMILY ACTION NETWORK MOVEMENT, INC.; QLATINX; WECOUNT!, INC.; WESTMINSTER PRESBYTERIAN CHURCH UNITED OF GAINESVILLE, FLORIDA, INC.; AMERICANS FOR IMMIGRANT JUSTICE, INC.; THE GUATEMALAN-MAYA CENTER, INC.; AND HOPE COMMUNITY CENTER, INC.,

Plaintiffs,

v.

RON DESANTIS, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF FLORIDA AND ASHLEY MOODY, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF FLORIDA,

Defendants.

**JURY TRIAL
DEMANDED**

**AMENDED COMPLAINT FOR INJUNCTIVE RELIEF
AND DECLARATORY JUDGMENT**

Plaintiffs City of South Miami; Philip K. Stoddard, Mayor of City of South Miami; Florida Immigrant Coalition, Inc. (“FLIC”), The Farmworker Association of Florida Inc. (“FWAF”), Family Action Network Movement, Inc. (“FANM”), QLatinx, and WeCount!, Inc. (“WeCount”), on behalf of their members and their organizations as a whole; Americans for Immigrant Justice, Inc. (“AI Justice”), The Guatemalan-Maya Center, Inc. (“GMC”), Hope Community Center, Inc., and Westminster Presbyterian Church United of Gainesville, Florida, Inc. (“Westminster”), on

behalf of their organizations (collectively, the “Plaintiffs”) sue Defendants Ron DeSantis, Governor of the State, of Florida, and Ashley Moody, Attorney General of the State of Florida.

I. INTRODUCTION

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6. SB 168 will subject Floridians—including countless U.S. citizens and noncitizens who have permission from the federal government to remain in the United States—to racial profiling. Black and brown Floridians who may be perceived as “foreign” by state or local law enforcement will be in constant jeopardy of harassment and unlawfully prolonged detention and arrest by state and local law enforcement officers operating under SB 168.

7. Racial and national origin minorities who are victims of domestic violence, sexual assault, and human trafficking will be deterred from accessing services for crime, placing them at greater risk and undermining public safety.

8. As a result of SB 168, and under color of state law, Plaintiffs will be deprived of rights, privileges, or immunities guaranteed under the U.S. Constitution.

9. This action challenges SB 168 on multiple constitutional grounds to prevent imminent harm that Plaintiffs and other Floridians, including both U.S. citizens and noncitizens, will suffer if the law goes into effect.

10. Plaintiffs seek injunctive and declaratory relief to prevent such egregious unconstitutional actions from occurring in their communities.

A. KEY PROVISIONS OF SB 168

11. In addition to challenging SB 168 in its entirety, Plaintiffs specifically challenge sections 908.102(6), 908.103, 908.104(1), 908.104(4), 908.105(1), and 908.106.

12. Section 908.102(6) defines sanctuary policies.

908.102 Definitions.—As used in this chapter, the term: . . . (6) ‘Sanctuary policy’ means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from: (a) Complying with an immigration detainer; (b) Complying with a request

from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency; (c) Providing a federal immigration agency access to an inmate for interview; (d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or (e) Providing a federal immigration agency with

authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer. (b) Record in the person's case file that the person is subject to an immigration detainer. (c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

17. Section 908.106 requires agreements with ICE.

Reimbursement of costs. — Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainees, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

II. JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, because this action arises under the U.S. Constitution and laws of the United States, and pursuant to 28 U.S.C. § 1343, because this action seeks to redress the deprivation, under color of state law, of Plaintiffs' civil rights and to secure equitable or other relief for the violation of those rights.

19. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Federal Rule of Civil Procedure Rule 57.

20. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims occurred or will occur in this District or Division and a substantial number of Plaintiffs are located in this judicial district. Defendants are sued in their official capacity. Each Defendant resides within the State of Florida.

III. PARTIES

21. **Plaintiff City of South Miami (“South Miami”)** is a municipal corporation organized under the laws of the State of Florida and is located in Miami-Dade County, Florida.

22. South Miami’s leadership consists of the Mayor, Vice-Mayor, and three City

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office of Mayor, Mayor Stoddard took the following oath: “I solemnly swear that I will support the Constitution and will obey the laws of the United States and of the State of Florida; that I will, in all respects, observe the provisions of the Charter and the Ordinances of the City of South Miami and will faithfully discharge the duties of the Office of Mayor.”

34. Mayor Stoddard’s responsibilities as Mayor of South Miami include presiding over City Commission meetings, and along with the City Commission, establishing policies, managing growth and land use, adopting an annual budget and tax rate, setting storm water utility rates and other fees and charges for city services, adopting local ordinances, and hiring and overseeing the City Manager, City Attorney, and City Clerk.

35. One aspect of Mayor Stoddard’s leadership is to initiate policy changes and propose resolutions and ordinances. These policies, resolutions and ordinances include those relating to the City Manager and SMPD.

36. Policies resolutions and ordinances that Mayor Stoddard has initiated or proposed as Mayor include, but are not limit (1) Resolution No. 028-17-14829 to create a policy related to how the SMPD treats the subject of immigration enforcement; (2) a policy requiring SMPD officers to identify themselves when they interact with the public; (3) an policy establishing community policing in South Miami; and (4) a series of resolutions establishing a police body camera program for the SMPD.

37. Mayor Stoddard is regularly held responsible and accountable by the South Miami electorate for any problems and successes in South Miami, espec

38. **Plaintiff Florida Immigrant Coalition (“FLIC”)** is a non-profit organization and statewide coalition of more than 50 member organizations and over 100 allies. FLIC is based in Miami, Florida and has staff covering six counties throughout Florida. FLIC’s member organizations are located in over twenty Florida counties.

39. Some of FLIC’s members and constituents lack immigration status, are the parents of children born abroad, or U.S. Citizen children of parents born abroad.

40. FLIC works with people of different status from the undocumented to citizens,

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50. **Plaintiff The Farmworker Association of Florida (“FWAF”)** is a non-profit organization with headquarters in Apopka, Florida, and offices throughout the state, including Homestead, Fellsmere, Immokalee, and Pierson, Florida.

51. FWAF is a grassroots and community-based farmworker membership organization with over 10,000 Haitian, Latinx, and African American members.

52. FWAF serves seasonal workers as well as migrant workers who travel with the seasons to harvest crops. FWAF’s members include immigrants who are both documented and undocumented, including some who are subject to immigration detainers.

53. FWAF’s mission is to build power among farmworker and rural low-income communities, to respond to and gain control over the social, political, economic, workplace, health, and environmental justice issues that impact their lives. FWAF’s programs include civic participation, advocacy, worker’s rights, health and safety, and immigrant rights.

54. The passage of SB 168 has already substantially diverted scarce organizational resources away from FWAF’s health and safety and civic engagement work.

55. FWAF staff has dēndŃ em Mo š

FWAF is preparing itself for a surge in deportations when SB 168 goes into effect by identifying attorneys and counselors for referrals and working with a coalition of organizations to provide a rideshare service.

58. The increase in FWAF staff's time and focus on SB 168 is driven by the needs of FWAF's membership.

59. FWAF lacks the funds to increase its staffing to educate the community on SB 168 and its consequences. FWAF must now divert resources to fundraise in an attempt to address this deficit.

60. FWAF anticipates that the communino] Ma e b1

65. FANM has approximately 300 members, who are mostly Haitian immigrants and families of mixed immigration statuses, including United States citizens, lawful permanent residents, Temporary Protected Status (“TPS”) recipients, and many undocumented immigrants.

66. FANM’s members reside in Miami-Dade and Broward counties.

67. FANM has six main program areas: Family Intervention and Empowerment; Health Promotion and Prevention; Youth Development and Leadership; Immigration Services and Advocacy; Community Economic Development; and Adult Education.

68. Through its various program areas, FANM provides approximately 6,000 beneficiaries throughout Florida with a wide-range of social services and programs every year, including but not limited to counseling, health education, language instruction, financial literacy and planning, small business development, afterschool programs, and legal case referrals.

69. Additionally, FANM is involved in community organizing and advocacy on many pressing issues impacting Haitian immigrants and families, including local campaigns to combat gentrification and inequitable development in Little Haiti and a national campaign to protect TPS for Haitians and other affected immigrants.

70. Since the time SB 168 was filed and passed, FANM has been forced to respond to an increase in inquiries from members and community residents concerned about SB 168’s impact on Haitian immigrants and families.

71. FANM has hosted community meetings to educate its members and community residents on immigration detainers and the impact of SB 168, translated informational materials on SB 168 into Haitian-Creole, and responded =

72. Because of SB 168, FANM has been forced to divert resources and staff time away from other programs, services, and campaigns.

73. As SB 168 is implemented, FANM expects it will be forced to devote even more resources, time, and attention to inform members about how the SB 168 is being implemented and to assist members who are stopped, arrested, and/or deported in Miami-Dade and Broward because of SB 168.

74. Given FANM's predominately Black membership, FANM anticipates that SB 168 will have an acute impact on its members and lead to increased racial profiling, police scrutiny, and criminalization of its members, documented and undocumented, who will be at risk of being subject to immigration detainers.

75. FANM's continued diversion of resources to address issues related to SB 168 and its implementation will hinder its ability to dedicate the resources, time, and attention needed to effectively implement its other programs, services, and campaigns.

76. **Plaintiff QLatinx** is an educational advocacy and support group located in Orlando, Florida.

77. QLatinx was founded as an unincorporated association in response to the 2016 mass shooting at Pulse nightclub in Orlando, Florida during the LGBTQ+ establishment's Latinx-themed night. QLatinx brought together members of the local community directly impacted by this tragedy to build a supportive infrastructure, address inequity, and promote inclusionary practices for local leadership and partnering agencies.

78. The QLatinx mission is to center and empower the most marginalized members of its community, establish affirming and supportive healing spaces, build a strong and united community, and work towards a society free of fear, violence, and hate.

79. QLatinx has created several initiatives and programs, including immigration advocacy; a multicultural education series that explores various traditions through music, language, and cuisine; a Social Justice Institute; a series of

84. **Plaintiff WeCount!** (“**WeCount!**”) is a community-based, non-profit organization located in Homestead, Florida. WeCount serves the areas of Homestead and Florida City.

85. WeCount has approximately 200 members, including immigrant adults and youth of mixed immigration statuses. Many of its members, documented and undocumented, could be subject to immigration detainers. The majority of WeCount’s members are Mexican and Central American immigrants who work in farm work, plant nursery work, and construction.

86. WeCount’s mission is to build the power of Latin American immigrants in Homestead, Florida through education, support, and collective action.

87. WeCount has three main projects: education, support, and collective action.

88. WeCount provides members and community residents with language instruction, computer literacy classes, and workshops on wage theft, workplace health and safety, and immigration. WeCount also hosts a community radio station, “Radio Poder,” that broadcasts music and educational information to Homestead residents in Spanish and indigenous languages.

89. WeCount supports members affected by workplace and immigration issues by assisting members and their families with filling out necessary paperwork, accompanying members through complaint processes, hosting screening clinics with legal service organizations, offering case referrals, and providing social, emotional, and psychological support.

90. WeCount is also involved in collective action and organizing campaigns, including a Planting Justice (“Sembrando Justicia”) campaign to improve the wages and working conditions of plant nursery workers in South Florida and a campaign to close the Homestead Detention Center, where thousands of immigrant children are being detained. These campaigns have included publishing a research report, organizing marches and events, coordinating community coalitions, and meeting with elected officials.

91. Because of SB 168, WeCount has been forced to divert its limited staff's time, attention, and resources away from its education, support, and collective action projects.

92. Since SB 168 was filed and passed, WeCount has been forced to divert time, attention, and resources to educate its members and community residents on SB 168 and to respond to an increase in inquiries from members and community residents concerned about SB 168's impact on immigrant families in Homestead.

93. SB 168 has caused a growing fear and concern in WeCount's membership and in the immigrant community of Homestead. Because of the confusion around SB 168 and its implementation, many of WeCount's members are fearful of interacting with local law enforcement agencies and being subject to racial profiling and police harassment.

94. Due to SB 168, WeCount anticipates that many of its members will be less willing to report crimes, pursue medical assistance at hospitals, and interact with government agencies.

95. WeCount expects to expend even more time and resources responding to SB 168, including updating members on the implementation of SB 168 and supporting members who are arrested, placed on immigration detainers, or have issues with the police due to SB 168. These activities related to SB 168 will force WeCount to further divert its scarce organizational resources and will harm the organization and its members.

96. **Plaintiff Westminster Presbyterian Church United of Gainesville, Florida, Inc. ("Westminster")** is a non-profit corporation and house of worship with approximately 105 members located in Gainesville, Florida.

97. Westminster's mission is to nurture, equip, and send out disciples to be Christ's ministers of compassion, healing and peace in their daily lives.

98. Westminster hosts worship services, bible study, and community classes each week. Westminster also partners with several other organizations to participate in a variety of programming and work on issues relating to homelessness, housing, medical care, education, food scarcity, and economic diversity.

99. Westminster declared itself a sanctuary church approximately two years ago and converted a building behind the church into a sanctuary house for those who are facing deportation and are in the process of either appealing or filing for asylum to care for and serve those in need of shelter and protection.

100. Since SB 168 passed, Westminster has received an increase in requests for referrals to immigration attorneys, and inquiries about the requirements to stay in the sanctuary house, whether Westminster's ability to provide the sanctuary house will be affected by SB 168, and how local law enforcement will respond to SB 168 in Alachua County. The increase in these requests, along with attempting to understand how SB 168 will be interpreted by Alachua County law enforcement has created additional work for Westminster since SB 168 passed.

101. Before SB 168 was enacted, the Alachua County Sheriff's Office maintained a policy of not arresting ~~people~~ ~~in~~

will begin arresting people when immigration authorities lodge detainer requests.² Meeting community needs as a result of this increase in arrests will divert time and resources away from the other services and events that Westminster provides to the local and immigrant community.

103. **Plaintiff Americans for Immigrant Justice, Inc. (“AI Justice”)** is a non-profit law and advocacy organization that protects and promotes the basic human rights of immigrants. AI Justice is located in Miami-Dade County, Florida and has served over 130,000 immigrants from all over the world since it was founded in 1996.

104. AI Justice’s mission is to protect and promote the basic human rights of immigrants through a unique combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels.

105. AI Justice represents numerous undocumented individuals, including some who are subject to immigration detainers, through its various programs.

106. AI Justice’s programs include family defense, advocacy, litigation, children’s legal, domestic violence and human trafficking (“Lucha Program”), and detention. These programs served over 9,000 individual clients in 2018 alone.

107. Since SB 168 passed, AI Justice has seen an increase in attendees at its in-office intakes, clients concerned about their possible detention and removal due to SB 168, and questions about the law’s significance during screenings and KYR presentations.

108. AI Justice has experienced a dramatic increase in calls and emails from social service and community-based organizations seeking guidance on whether immigrant victims should continue to report domestic violence, sexual assault, and human trafficking to local law

² Cindy Swirko, *Sheriff Will Hold Inmates 48 Hours for ICE*, The Gainesville Sun, June 18, 2019, available at <https://www.gainesville.com/news/20190618/sheriff-will-hold-inmates-48-hours-for-ice>.

enforcement. AI Justice has noticed that more trafficking and domestic abuse victims are hesitant to report crimes because they are confused about the implications of SB 168.

109. SB 168 threatens twenty years of AI Justice's work with local law enforcement to ensure that victims are unafraid of the police and will force AI Justice to shift its resources to assessing whether it is safe for a victim to report a crime post-SB 168 and training social service providers that interact with immigrant victims.

110. Because SB 168's ultimate implementation is unclear, AI Justice has had to put additional work into evaluating the law to respond to inquiries from clients and the community. AI Justice has also incorporated information about SB 168 into its KYR and general immigration presentations.

111. As SB 168 is implemented throughout Florida, AI Justice anticipates an increase in work across all its projects.

112. AI Justice expects an increase in immigrants who are arrested and detained due to SB 168, along with a corresponding increase in the detained population. AI Justice is concerned that it will be unable to stretch its limited resources to meet the needs of the detained population.

113. AI Justice also expects an increase in requests for presentations, advice, and counsel regarding SB 168.

114. Depending on how school systems throughout Florida interpret and implement SB 168, AI Justice expects a significant amount of resources will be diverted to advocating for the rights of undocumented children in public schools.

115. AI Justice also expects to divert resources from representing immigrant victims in their immigration matters in several of its programs, to educating and advising other social and legal service providers on how to proceed in light of SB 168.

116. **Plaintiff The Guatemalan-Maya Center, Inc. (“GMC”)** is a non-profit organization located in Lake Worth, Florida.

117. GMC was founded in 1992 to address the dire need for prenatal care for indigenous

125. Many of GMC's immigrant clients f

132. Hope Community Center's programs

144. Defendant DeSantis is sued in his official capacity.

145. **Defendant Ashley Moody** is the Attorney General of Florida, the chief legal officer of the state. Fla. Const. Art. IV, § 4(b).

146. The Attorney General is required to appear in the courts on behalf of the State of Florida. Fla. Stat. § 16.01(4).

147. SB 168 provides that the “Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.” Fla. Stat. § 908.107(2).

148. Therefore, Defendant Moody is responsible for the enforcement of SB 168 in the State of Florida and is an appropriate defendant in this ca M M 8.

152. FAIR and its sister organization,

to white supremacists. So, my question is how was this used? Why did we use them? How did this happen in our analysis?”¹⁰

160. In April 2019, Representatives of FLIMEN once again emailed and coordinated with Florida legislators, including Florida Senator Gruters and Florida Representative Cord Byrd, during the Florida Legislative Session to push SB 168 and HB 527 forward.¹¹

161. On April 17, 2019 Florida Senator Gruters and Representative Byrd sponsored and participated in a press conference planned by FLIMEN, who hosted and invited speakers Amapola Hansberger and Yvonne Larsen. Hansberger and Larsen are well-known for their fear-mongering

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and hateful rhetoric toward immigrants.¹² During the press conference, Hansberger warned that “[undocumented people] will kill you.”¹³

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desire to correct the perceived failings of the federal government with respect to immigration enforcement.

165. Speaking at a bill signing ceremony in Sarasota on May 17, 2019, Governor Ron DeSantis told reporters, “We cannot accommodate in Florida the dumping of unlawful migrants in our state. ... The state legislature, at my urging, just passed a bill outlawing sanctuary cities and so we basically as a state said ... we are going to work with them to help remove criminal aliens. ... To just be put on the hook for things that are a result of the Congress’ failure and failed policy at the federal level, that is not acceptable.”¹⁴

166. In April 2019, speaking to reporters about SB 168 and HB 527, Sen. Gruters said, “[o]verall, we have a complete failure of Washington to take care of the [immigration] situation...”¹⁵

167. Florida Representative Mike Beltran (District 57), co-sponsor of HB 527, made several statements showing the legislature’s intent to supplant federal immigration authority. For example, on March 20, 2019, during a Civil Justice Subcommittee meeting on HB 527, Rep. Beltran explained that it would be easier – if not better – for local law enforcement to identify and detain undocumented persons: “[s]tate and local law enforcement vastly outnumber ICE agents or

171. In short, as expressed by Florida Senator Wengay Newton (District 70) during the April 24, 2019 House Session on HB 527, “[W]e are creating Federal Immigration Enforcement.”²⁰

B. SB 168 Will Lead to Racial Profiling and Discriminatory Enforcement, and Heightened Risk to Victims of Domestic Violence, Sexual Assault, and Human Trafficking

172. Section 908.104(1) mandates the use of “best efforts” to support the enforcement of federal immigration law. This “best efforts” clause will lead to state and local law enforcement using race and color as a proxy for immigration status. Cases and data across the country show that racial minorities “are vulnerable to arrest for minor traffic violations, such as driving without a license or driving with an expired license.” See Hagan, Jacqueline, et al., *The Effects of U.S. Deportation Policies on Immigrant Families and Communities: Cross-Border Perspectives*, 88 N. C. L. REV. 1799, 1815 (2010) (discussing the fear of deportation in a North Carolina immigrant community stemming from a police stop for driving without a license).

173. ~~BE~~tionar ! in ’ M! o

drivers for traffic stops and were between four and ten times more likely to stop Latino drivers than non-Latino drivers.²²

174. Latinos are especially susceptible to racial profiling when local law enforcement officers assume the role of federal immigration agents.²³ Cities have seen an increase in the number of Latinos stopped, questioned, and detained by local law enforcement following the implementation of formal collaborations with ICE.²⁴

²² *U.S. v. Johnson, Terry S.*, No. 12-CV-01349 (M.D.N.C. Dec. 20, 2012).

²³ See Johnson, Kevin R., *The Case Against Racial Profiling in Immigration Enforcement*, 78 WASH U. L.Q. 675, 677 (2000) (explaining that U.S. citizens and lawful permanent residents of Latin American descent “bear the brunt of race-based immigration enforcement.”).

²⁴ In 2017, local police and state troopers stopped Latino drivers, “questioned them and their passengers about their immigration status, and then detained them without warrants for up to four hours until ICE arrived.” See Pro Publica, *For Cops Who Want to Help ICE Crack Down on Illegal Immigration, Pennsylvania Is a Free-for-All*, available at <https://www.propublica.org/article/pennsylvania-immigration-ice-crackdown-cops-free-for-all>. When Davidson County, Tennessee entered into a 287(g) agreement, the arrest rate for Latinos driving without a license increased 136 percent. Lindsey Kee,

175. U.S. citizens have been wrongfully arrested pursuant to immigration detainers because of law enforcement officers' assumptions based on the individual's appearance and language. *See e.g., Galarza v. Szalcyk*, 745 F.3d 634, 636, 638 (finding that a Latino U.S. citizen was wrongfully held in custody under an immigration detainer for several days after he posted bail). Wrongful arrests will only increase as a result of SB 168.

176. As Plaintiff AI Justice has directly experienced, and as numerous experts, advocates and journalists have documented, human traffickers, perpetrators of sexual assault (including sexual abuse in the workplace), and domestic abusers prey on vulnerable immigrants, threatening to turn victims over to immigration officials and filing frivolous complaints that may result in serious consequences for victims.²⁵

177. As documented in a recent national survey, immigrant victims of domestic violence, sexual assault, and trafficking are increasingly afraid to contact police, pursue civil or criminal cases, or go to court for any reason.²⁶ This traps victims in a Catch-22 situation: Ask for

period revealed that almost 20% of all traffic stops conducted by [local] officers were of Latinos, while only approximately 8.3% of drivers in East Haven are Latino. *Id.*

²⁵ *See* Cora Engelbrecht, N.Y. TIMES, *Fewer Immigrants Are Reporting Domestic Abuse. Police Blame Fear of Deportation*, available at <https://www.nytimes.com/2018/06/03/us/immigrants-houston-domestic-violence.html>; Hannah Rapple, *Immigration crackdown makes women afraid to testify against abusers, experts warn*, NBC News, (Sept. 2018), available at <https://www.nbcnews.com/politics/immigration/immigration-crackdown-makes-women-afraid-testify-against-abusers-experts-warn-n908271>; Olivares, Mariela, *Battered by Law: The Political Subordination of Immigrant Women*, 64 AM. U. L. REV. 231, 231-283 (2014); Gonzalez, B., Collingwood, L., . (201),

190. The second exception, 8 U.S.C. § 1103(a)(10), permits the U.S. Attorney General to delegate enforcement authority to local law enforcement in the case of a mass immigration influx, but only “with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving.” *See* 28 C.F.R. § 65.81 *et. seq.* (implementing regulations requiring a written agreement that specifies training, specific delegation of authority, and the limited duration). As of the filing of this action, no such authorization has been issued to state or local law enforcement in Florida.

191. The third exception, 8 U.S.C. § 1252c(a), grants authority to state and local law enforcement to make civil immigration arrests of (1) any convicted felon, (2) who was deported after the felony conviction, and (3) who illegally reentered the United States. But arrests under this exception can occur only “after confirmation from [Immigration and Customs Enforcement (ICE)] of the status of such individual” and “only for such period of time as may be required for [ICE] to take the individual into Federal custody.”

192. Absent these three narrow exceptions, state and local law enforcement lack authority to perform the functions of federal immigration agents.

D. “Immigration Detainer Request” System

193. Typically, persons who are arrested for a criminal offense are taken to a state or local jail, where jail officials take their fingerprints.

194. These fingerprints are sent to the Federal Bureau of Investigation and the FBI automatically shares them with ICE for possible issuance of an immigration detainer.

195. The fingerprint background check reveals any outstanding judicial warrants. It may also trigger an immigration detainer request.

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recent National Public Radio study showed that, from 2007 to 2015, local law enforcement authorities improperly detained 693 U.S. citizens in local jails on federal immigration detainers.

203. Miami-Dade County's internal database of immigration detainers lists 420 individuals jailed or to be jailed on immigration detainers as U.S. Citizens.²⁷

204. Local and state law enforcement is vulnerable to litigation challenging detentions of U.S. citizens pursuant to immigration detainers in violation au² iropiz o Lo.

classification, remain in status. Conversely, a noncitizen who enters the United States without authorization may file a successful asylum application and subsequently gain lawful status.

207. Even when a noncitizen is in removal proceedings, there is no assurance the person will be removed because the federal government has prosecutorial discretion to decide how to prioritize and pursue each case based upon a wide range of equitable factors.

208. This fluidity of immigration status is a fundamental feature of the Immigration and Nationality Act that accommodates important national interests, including the nation's humanitarian and international law obligations regarding asylum seekers and refugees fleeing torture.

V. SB 168'S REGULATION OF FEDERAL IMMIGRATION ENFORCEMENT

209. SB 168 purports to authorize state and local law enforcement to exercise power delegable only by Congress via the Attorney General,²⁹ where no such delegation exists under the INA.

210. As a state law, SB 168 cannot unilaterally confer authority to carry out the functions of federal immigration agents.

211. SB 168 Section 908.105 requires that local and state law enforcement agencies make warrantless civil immigration arrests based on immigration detainees.

212. SB 168 does not track the INA. It does not require that law enforcement officers qualify under any of the three exceptions in the INA that authorize local and state officers to make a civil immigration arrest. *Arizona*, 567 U.S. at 408-09, *supra* ¶¶180-186.

²⁹ Following the passage of the Homeland Security Act of 2002, many of the references to the "Attorney General" in the INA are now read to mean the DHS Secretary. *See Clark v. Suarez Martinez*, 543 U.S. 371, 374 n.1 (2005).

213. Nor does SB 168 track the INA's requirement of a "flight risk" determination before a warrantless arrest can be made lawfully under the INA. 8 U.S.C. § 1357(a)(2); *Arizona*, 367 U.S. at 408-09 (holding that state law enforcement cannot have broader immigration warrantless arrest authority than federal immigration officials); *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1005-09 (N.D. Ill. 2016) (conceding that ICE never makes a "likelihood to escape" determination before issuing a detainer).³⁰

214. SB 168 requires law enforcement to comply with immigration detainers based on civil immigration violations even when they possess evidence negating probable cause of removability.

215. SB 168 leaves no room for state and local law enforcement to conduct an individualized assessment of probable cause, as required by the Fourth Amendment.

216. SB 168 presumes that immigration status is definite, not subject to nuance, and readily and quickly ascertained. But those presumptions are not accurate.

SB 168 Authorizes Agreements Other Than Under 287(g)

217. SB 168 does not require state or local law enforcement agencies to enter into 287(g) Agreements. Section 908.106 requires county correctional facilities to enter into "an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons." This provision can be satisfied by "... *any contract* between a correctional facility and a federal immigration agency." (emphasis added).

³⁰ Undeputized state and local law enforcement officers cannot make an arrest pursuant to the I-200 or I-205 administrative warrant that sometimes accompanies a detainer. *See Arizona*, 367 U.S. at 407-08 (only trained immigration officers are authorized to make arrests pursuant to administrative warrants).

218. At the time of SB 168's passage, only a small number of Florida County Sheriff's Offices had 287(g) Agreements in place authorizing some, but not all of their officers to perform specific federal immigration duties, including the power to arrest and transport. With passage of SB 168, however, all local and state law enforcement entities are now required to perform specific federal immigration duties.

219. Even in jurisdictions that currently have 287(g) Agreements in place, SB 168 will now require that all law enforcement officers - even those who have not received training and certification pursuant to a 287(g) Agreement and as required by 8 USC § 1357(g) – carry out immigration functions.

220. 287(g) Agreements, by definition, are voluntary service agreements

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in the United States. State attempts to interfere with these inherently federal issues can have severe impacts on foreign relations.

224. SB 168 interferes with U.S. foreign relations by calling into question the federal government's ability to ensure compliance with our country's treaty obligations. In particular, the United States has signed and ratified two international treaties that prohibit racial profiling: the Convention on the Elimination of All Forms of Racial Discrimination ("ICERD"), art. 2(2), 660

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226. These governments have also explained that state immigration laws, if implemented, would negatively impact foreign relations by undermining public opinion in their home countries and by making it impossible for their countries to engage on a sovereign-to-sovereign basis with the United States on important issues such as immigration and trade.

VI. SB 168'S VAGUE PROVISIONS

227. Under SB 168, law enforcement agencies are required to “use best efforts to support the enforcement of federal immigration law.” *See* § 908.104(1).

228. State and local government entities cannot “prohibit[] or impede[] a law enforcement agency from complying with 8 U.S.C. § 1373.” nor may they prohibit or impede a wide range of communication or cooperation with a federal immigration agency. *See* § 908.102(6).

229. Prohibited “sanctuary policies” as defined in SB 168, include not only a “law” or “policy,” but also a “practice,” “procedure,” or “custom” that are adopted or even simply “allowed” by state or local government entities. *See* §§ 908.102(6); 908.103.

230. These provisions contain vague language that cannot be understood by people of “ordinary intelligence.” *United States v. Williams*, 553 U.S. 285, 304 (2008).

231. Due to the vague language “best efforts” and “impede” in Sections 908.104(1) and 908.102(6), it is unclear is whether local government officials may adopt policies to ensure that federal immigration enforcement does not undermine community cooperation with their own law enforcement officers. For example, a police chief might tell officers to not perform the functions of federal immigration agents at hurricane shelters, colleges, court houses, or homeless shelters, so as to ensure that they do not deter access to necessary and,

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246. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 38-49, 138-149, 179-226, 233-237, 239, and 243-244, as if fully set forth herein.

247. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 50-62, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

248. Plaintiff FANM, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 63-75, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

249. Plaintiff GMC, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 116-128, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

250. Plaintiff QLatinx, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 76-83, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

251. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 84-95, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

252. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each

253. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 103-115, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

254. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 16, 18-20, 129-237, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

255. Under the Supremacy Clause of the U.S. Constitution, the “Constitution, and the laws of the United States ... shall be the supreme law of the land.”

256. The federal government has exclusive power over immigration law and policy. Congress has created a comprehensive system of federal laws regulating immigration law enforcement. *See generally* Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq*; *Arizona v. United States*, 567 U.S. 387, 395 (2012).

257. The INA creates an exhaustive framework that dictates who can perform which immigration enforcement functions and under which circumstances. Through the INA, Congress has occupied the fields of when and by whom an individual can be arrested and detained for a civil immigration violation and how state and local law enforcement may be authorized to carry out the functions of immigration agents.

258. Congress has authorized only three narrow circumstances in which state and local law enforcement has authority to carry out the functions of federal immigration agents to make an arrest on the basis of civil immigration violations. *See Arizona*, 567 U.S. at 408-09.

259. SB 168 Section 908.105 unlawfully legislates in an area occupied by federal law and is preempted under the Supremacy Clause.

260. Section 908.105 requires that state and local law enforcement officials comply with immigration detainers. Under this provision, state and local officers must arrest and detain individuals for a suspected civil immigration violation after the basis for their detention under state law has expired. This custody constitutes a new arrest.

261. State and local officers, however, lack federal authority to arrest and detain a person for a civil immigration violation outside the narrow exceptions in the INA. Section 908.105 requires them to act, nonetheless.

262. Even for agencies operating under a 287(g) Agreement, Section 908.105 requires individual officers who have not been trained or certified to comply with immigration detainers to do so.

263. Section 908.105 is preempted for the additional reason that it conflicts with federal law's requirement that a person must be found likely to escape before a warrantless immigration arrest can occur.

264. Congress has only authorized warrantless arrests (whether pursuant to a detainer or otherwise) in the limited circumstance when there has been an individualized determination that the individual is "likely to escape before a warrant can be obtained for [the] arrest." 8 U.S.C. § 1357(a)(2).

265. Section 908.105's mandate that state and local law enforcement detain people upon request by the federal government leaves no room for law enforcement to make a flight assessment, and requires warrantless arrests and detention where no risk of escape exists.

266. Section 908.105 does not limit the immigration detainer mandate in instances where other federal or constitutional protections, such as when evidence of U.S. Citizenship or legal permanent residency is presented, are triggered.

267. Plaintiffs move for relief on this claim directly under the Constitution and also under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT II
SB 168 Section 908.104(4) Violates the Supremacy Clause
of the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

268. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 38-49, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

269. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 50-62, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

270. Plaintiff FANM, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 63-75, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

271. Plaintiff GMC, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 116-128, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

272. Plaintiff QLatinx, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 76-83, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

273. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 84-95, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

274. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 96-102, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

275. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 103-115, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

276. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 15, 18-20, 129-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

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280. 8 U.S.C. § 1357(g)(1) allows for the delegation of federal immigration agents'

286. Plaintiff FWAF, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 50-62, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

287. Plaintiff FANM, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 63-75, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

288. Plaintiff GMC, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 116-128, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

289. Plaintiff QLatinx, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 76-83, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

290. Plaintiff WeCount, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 84-95, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

291. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 96-102, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

292. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 103-115, 138-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

293. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 17-20, 129-149, 179-226, 233-237, 239, and 243-244 as if fully set forth herein.

294. Under the Supremacy Clause of the U.S. Constitution, the “Constitution, and the laws of the United States ... shall be the supreme law of the land.”

295. The federal government has exclusive power over immigration law policy. Congress has created a comprehensive system of federal laws regulating immigration law enforcement. *See generally* Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*; *Arizona*, 567 U.S. at 395 (2012).

296. Section 908.106 mandates: “Each county correctional facility shall enter into an agreement ... with a federal immigration agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons.” The title of the section is “Reimbursement of Costs.”

297. 8 U.S.C. § 1103(a)(11) grants the federal government discretion to decide when to enter into detention contracts with localities.

298. Federal law does not allow localities to be paid for such functions carried out under 287(g) Agreements. Although 31 U.S.C. § 1342 generally bans volunteer service to the federal government, 8 U.S.C. § 1357(g)(1) creates an exception for service under a 287(g) Agreement. See 8 U.S.C. § 1357(g)(1) (specifying that services rendered to the federal government are “at the expense of the State or political subdivision”).

299. Section 908.106 is preempted because it conflicts with 8 U.S.C. § 1103(a)(11) and 8 U.S.C. § 1357(g)(1).

300. Plaintiffs move for relief on this claim directly under the Constitution and under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT IV
SB 168 Sections 908.102(6) and 908.103 Violate the
Due Process Clause of the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

301. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 38-49, 138-149, 227-237, and 241-244 as if fully set forth herein.

302. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 50-62, 138-149, 227-237, and 241-244 as if fully set forth herein.

303. Plaintiff FANM, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 63-75

306. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 84-95, 138-149, 227-237, and 241-244 as if fully set forth herein.

307. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 96-102, 138-149, 227-237, and 241-244 as if fully set forth herein.

308. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 103-115, 138-149, 227-237, and 241-244 as if fully set forth herein.

309. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 129-149, 227-237, and 241-244 as if fully set forth herein.

310. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides, in pertinent part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

311. Section 908.102(6) is unconstitutionally vague because it fails to provide a person of ordinary intelligence fair notice of what is prohibited, and its lack of standards authorizes, and encourages, arbitrary and discriminatory enforcement.

312. Section 908.103 is unconstitutionally vague because the definition of “sanctuary policy” found in Section 908.102(6) is itself unconstitutionally vague due to its unclear language and undefined terms, including, but not limited to its use of the term “impede.”

313. Government entities and law enforcement agencies that are found to have violated SB 168 are subject to eare å e%bject nn Md

administrative state, county, and municipal officers who are said to have violated this section are subject to enforcement actions brought by the Governor of Florida and are subject to suspension from office. The due process clause does not allow these officers livelihoods to be subject to such indeterminate, internally incoherent, and amorphous, standards.

314. Such vague language authorizes and encourages discriminatory enforcement of SB 168 by Defendants against law enforcement agencies and government entities. It also authorizes and encourages discriminatory enforcement of federal immigration law by state and local law enforcement and against individuals, including members of the Plaintiff organizations.

315. These vague mandates threaten individual Floridians and members of Plaintiff organizations, who have no way of determining what conduct is prohibited, nor what state and local law enforcement will choose to enforce under SB 168's purported authorization.

316. Plaintiffs move for relief on this claim directly under the Constitution and under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT V
SB 168 Sections 908.102(6) and 908.103 Violate the
Due Process Clause of the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

317. Plaintiff City of South Miami repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-31, 138-149, 227-237, and 243-244 as if fully set forth herein.

318. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides, in pertinent part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

319. Section 908.102(6) is unconstitutionally vague because it fails to provide a person of ordinary intelligence fair notice of what is prohibited, and its lack of standards authorizes, and encourages, arbitrary and discriminatory enforcement.

320. Section 908.102(6) is vague and violates due process because the term “impede” when applied to the actions, or lack of action, from a state or local government entity is undefined and fails to provide any meaningful standard of conduct. This vague language will result in arbitrary and discriminatory enforcement.

321. Section 908.103 is unconstitutionally vague because the definition of “sanctuary policy” found in Section 908.102(6) is itself unconstitutionally vague, including, but not limited to its use of the term “impede.”

322. Due to these vague terms, the City of South Miami is unable to determine whether any of actions, resolutions, policies, or statements by its leadership place it in violation of SB 168.

323. Government entities and law enforcement agencies that are found to have violated SB 168 are subject to enforcement actions brought by the Attorney General. Executive or

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South Miami. It also authorizes and encourages discriminatory enforcement of federal immigration law by state and local law enforcement and against individuals, including residents of the City of South Miami.

325. SB 168's vague mandates also threaten individual Floridians and residents of the City of South Miami who have no way of determining what conduct is prohibited, nor what state and local law enforcement agencies will choose to enforce under SB 168's purported authorization.

326. Even if City of South Miami attempts to comply with SB 168, City of South Miami's leadership, including the Mayor, Vice-Mayor, and Commissioners, may still be subjected to suspension and an enforcement lawsuit by the Governor of Florida and Attorney General, respectively, if the City of South Miami is deemed to be out of compliance based on unknown and unspecified standards.

327. Plaintiffs move for relief on this claim directly under the Constitution and under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT VI
SB 168 Sections 908.102(6) and 908.103 Violate the
Due Process Clause of the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

328. Plaintiff Mayor Stoddard repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-37, 138-149, 227-237, and 243-244 as if fully set forth herein.

329. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides, in pertinent part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

330. Section 908.102(6) is unconstitutionally vague because it fails to provide a person of ordinary intelligence fair notice of what is prohibited, and its lack of standards authorizes, and encourages, arbitrary and discriminatory enforcement.

331. Section 908.102(6) is vague and violates due process because the term “impede” when applied to the actions, or lack of action, from a state or local government entity is undefined and fails to provide any meaningful standard of conduct. This vague language will result in arbitrary and discriminatory enforcement.

332. Section 908.103 is unconstitutionally vague because the definition of “sanctuary policy” found in Section 908.102(6) is itself unconstitutionally vague, including, but not limited to its use of the term “impede.”

333. Due to these vague terms, Mayor Stoddard is unable to determine whet b

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encourages discriminatory enforcement of federal immigration law by state and local law enforcement and against individuals, including residents of the City of South Miami.

336. SB 168's vague mandates do not provide Mayor Stoddard with a way to determine, in his course of setting City policy, precisely what conduct is prohibited, nor what federal immigration actions or policies state and local law enforcement agencies must enforce under SB 168's purported authorization.

337. These vague SB 168 mandates undermine Mayor Stoddard's ability to initiate and establish policies, resolutions, or ordinances guiding conduct by the South Miami Police Department. Such vague mandates and unpredictable enforcement by local law enforcement harm Mayor Stoddard's ability to execute his budgeting duties as Mayor due to damages from lawsuits filed against City of South Miami by residents or visitors that stem from improper immigration enforcement actions taken by SMPD. These vague mandates also create political liability for Mayor Stoddard.

338. Even if Mayor Stoddard attempts to comply with SB 168, he will still be subject to suspension or removal by the Governor of Florida and an enforcement lawsuit Attorney General, if Mayor Stoddard is deemed to be out of compliance based on unknown and unspecified standards.

339. Plaintiff Mayor Stoddard moves for relief on this claim directly under the Constitution and under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT VII
SB 168 Section 908.104(1) Violates the Due Process Clause
of the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

340. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 38-49, 138-149, 227-237, and 241-244 as if fully set forth herein.

341. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 50-62, 138-149, 227-237, and 241-244 as if fully set forth herein.

342. Plaintiff FANM, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 63-75, 138-149, 227-237, and 241-244 as if fully set forth herein.

343. Plaintiff GMC, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 116-128, 138-149, 227-237, and 241-244 as if fully set forth herein.

344. Plaintiff QLatinx, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 76-83, 138-149, 227-237, and 241-244 as if fully set forth herein.

345. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 84-95, 138-149, 227-237, and 241-244 as if fully set forth herein.

346. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 96-102, 138-149, 227-237, and 241-244 as if fully set forth herein.

347. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 103-115, 138-149, 227-237, and 241-244 as if fully set forth herein.

348. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 129-149, 227-237, and 241-244 as if fully set forth herein.

349. The Bill Title of SB 168 includes the following:

An act relating to federal immigration enforcement . . . requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law.

350. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides, in pertinent part, “nor shall any State deprive any person of life, liberty e

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354. Such vague language will inevitably result in arbitrary or discriminatory enforcement.

355. Government entities and law enforcement agencies that are found to have violated these provisions are subject to enforcement actions brought by the Attorney General or

366. SB 168's inconsistent references to local entities makes it difficult for local entities to determine whether certain portions of SB 168, including the "best efforts" requirement applies to them, thereby making it impossible for the City of South Miami to attempt to fully comply with SB 168.

367. These vague mandates threaten individual Floridians and residents of the City of South Miami, who have no way of determining what conduct is prohibited, nor what state and local law enforcement will choose to enforce under SB 168's purported authorization.

368. These vague SB 168 mandates place the City of South Miami's leadership at risk of lawsuits by its residents and visitors for civil rights violations if City of South Miami attempts to interpret SB 168's without the necessary statutory guidance and use its "best efforts" to support the enforcement of federal immigration law. This also undermines the City of South Miami's ability to control its own budget and provide its residents with necessary services.

369. Even if City of South Miami attempts to comply m ! y ! ! ro c

Declaratory and Injunctive Relief

371. Plaintiff Mayor Stoddard repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-31, 138-149, 227-237, and 243-244 as if fully set forth herein.

372. The Bill Title of SB 168 includes the following:

An act relating to federal immigration enforcement ... requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law.

373. The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides, in pertinent part, “nor shall any State deprive any person of life, liberty, or property, without due process of law.”

374. Section 908.104(1) is unconstitutionally vague because it fails to provide a person of ordinary intelligence fair notice of what is prohibited, and its lack of standards authorizes, and encourages, arbitrary and discriminatory enforcement.

375. Section 908.104(1) is vague and violates due process because the clause “best efforts to support the enforcement of federal immigration law” is unclear and fails to provide any meaningful standard of conduct.

376. Section 908.104(1) further states that “[t]his subsection applies to an official, representative, agent, or employee of the entity or agency.”

377. Such vague language fails to give Mayor Stoddard fair notice of what he must, and must not do, in order to be in compliance with SB 168 and to avoid an enforcement suit or removal from office by Defendants. Such vague language will inevitably result in arbitrary or discriminatory enforcement.

378. Executive or administrative state, county, and municipal officers such as Mayor Stoddard who are said to have violated these sections are subject to enforcement actions brought by the Governor of Florida and are subject to suspension from office. The due process clause does not allow Mayor Stoddard's livelihood to be subject to such indeterminate, internally incoherent, and amorphous standards.

379. SB 168's inconsistent references to local entities, agencies, and their employees makes it difficult for local entities, agencies, and their employees to determine whether certain portions of SB 168, including the "best efforts" requirement applies to them, thereby making it impossible for Mayor Stoddard to attempt to fully comply with S1!

382. Even if Mayor Stoddard attempts to comply with SB 168, he will still be subjected to suspension and an enforcement lawsuit by the Governor of Florida and Attorney General, respectively, if Mayor Stoddard is deemed to be out of compliance based on unknown and unspecified standards.

383. Plaintiff Mayor Stoddard moves for relief on this claim directly under the Constitution and as an action seeking redress of the deprivation of statutory rights under the color of state law, also under 42 U.S.C. § 1983.

COUNT X
SB 168 Section 908.104(1) Violates Equal Protection of
the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)
Declaratory and Injunctive Relief

384. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 38-49, 138-178, 233-238, and 240-244 as if fully set forth herein.

385. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 50-62, 138-178, 233-238, and 240-244 as if fully set forth herein.

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388. Plaintiff QLatinx, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 76-83, 138-178, 233-238, and 240-244 as if fully set forth herein.

389. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 84-95, 138-178, 233-238, and 240-244 as if fully set forth herein.

390. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 96-102, 138-178, 233-238, and 240-244 as if fully set forth herein.

391. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 103-115, 138-178, 233-238, and 240-244 as if fully set forth herein.

392. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-11, 14, 18-20, 129-137, 138-178, 233-238, and 240-244 as if fully set forth herein.

393. SB 168 requires law enforcement agencies to use their “best efforts to support the enforcement of federal immigration law.” Fla. Stat. § 908.104(1).

394. The Fourteenth Amendment to the U.S. Constitution provides that “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

395. SB 168 was enacted with the intent and purpose to harm and discriminate against racial and national origin minorities, including Florida residents and visitors, on the basis of race, color, and national origin.

396. The term “best efforts” is not defined by SB 168 and does not provide any guidance or limitations on how much discretion law enforcement officers can use to support the enforcement of federal immigration law during the course of daily duties operations.

397. Without any parameters on the extent to which law enforcement officers may use their “best efforts” to support the enforcement of federal immigration law, SB 168 authorizes impermissible discrimination by Florida state, local, and municipal officers and officials on the basis of race, color, and national origin.

398. SB 168 impermissibly allows discrimination against U.S. citizens and noncitizens alike on the basis of race, color, and national origin and deprives them of the equal protection of the laws within the meaning of the Fourteenth Amendment to the U.S. Constitution. Such discrimination deters racial and national origin minorities from accessing public services, healthcare, public education, and services for crime, domestic violence, and trafficking victims.

399. SB 168 subjects Plaintiffs and their members who on the basis of race, color, and national origin to discrimination by law enforcement officials in violation of the equal protection clause of the Fourteenth Amendment to the U.S. Constitution.

400. Plaintiffs move for relief on this claim directly under the Constitution and under 42 U.S.C. § 1983 as an action seeking redress of the deprivation of statutory rights under the color of state law.

COUNT XI
SB 168 Section 908.103 Violates Equal Protection of
the 14th Amendment to the U.S. Constitution
(42 U.S.C. § 1983)

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401. Plaintiff FLIC, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 38-49, 138-178, 233-238, and 240-244 as if fully set forth herein.

402. Plaintiff FWAF, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 50-62, 138-178, 233-238, and 240-244 as if fully set forth herein.

403. Plaintiff FANM, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 11-13, 18-20, 63-75, 138-178, 233-238, and 240-244 as if fully set forth herein.

404. Plaintiff GMC, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 116-128, 138-178, 233-238, and 240-244 as if fully set forth herein.

405. Plaintiff QLatinx, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 76-83, 138-178, 233-238, and 240-244 as if fully set forth herein.

406. Plaintiff WeCount, on behalf of itself as an organization and its members, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 84-95, 138-178, 233-238, and 240-244 as if fully set forth herein.

407. Plaintiff Westminster, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 96-102, 138-178, 233-238, and 240-244 as if fully set forth herein.

408. Plaintiff AI Justice, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 11-13, 18-20, 103-115, 138-178, 233-238, and 240-244 as if fully set forth herein.

409. Plaintiff Hope Community Center, on behalf of itself as an organization, repeats and incorporates by reference each allegation of the prior paragraphs numbered 1-13, 18-20, 129-178, 233-238, and 240-244 as if fully set forth herein.

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* Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 21, 2019, I electronically served a true and correct copy of the foregoing on counsel for Defendants via transmission of a Notice of Electronic Filing generated by the Court's CM/ECF system.

By: /s/ Anne Janet Hernandez Anderson
Anne Janet Hernandez Anderson