

Tab 1	SB 2-B by Gruters (CO-INTRODUCERS) Fine; Identical to H 00001B Immigration					
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676662 —A	S	LWD	AP, Smith	Delete L.1773 - 1775.	01/27 07:20 PM
499184 A	S	LRCS	AP, Gruters	Delete L.999 - 1002.	01/27 07:20 PM
571852 —A	S	LWD	AP, Smith	btw L.1775 - 1776:	01/27 07:20 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Hooper, Chair
Senator Rouson, Vice Chair

MEETING DATE: Monday, January 27, 2025
TIME: 2:00—4:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Hooper, Chair; Senator Rouson, Vice Chair; Senators Berman, Brodeur, Burgess, Collins, DiCeglie, Fine, Garcia, Grall, Harrell, Martin, McClain, Pizzo, Polsky, Sharief, Smith, Trumbull, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 2-B Gruters (Identical H 1-B)	Immigration; Citing this act as the “Tackling and Reforming Unlawful Migration Policy (TRUMP) Act”; providing that the Commissioner of Agriculture is the only person responsible for serving as liaison between certain entities regarding federal immigration laws; creating the Local Law Enforcement Immigration Grant Program within the Office of State Immigration Enforcement within the Division of Law Enforcement under the Department of Agriculture and Consumer Services for specified purposes; creating the Office of State Immigration Enforcement within the Division of Law Enforcement under the Department of Agriculture and Consumer Services for specified purposes, etc.	Fav/CS Yeas 12 Nays 6
		AP 01/27/2025 Fav/CS	

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 2-B
INTRODUCER: Appropriations Committee and Senator Gruters
SUBJECT: Immigration
DATE: January 27, 2025 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stokes	Sadberry	AP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 2-B, the Tackling and Reforming Unlawful Migration Policy (TRUMP) Act, strengthens the state’s approach to illegal immigration by providing for coordination within the state and with federal immigration agencies.

Chief Immigration Officer

The bill designates the Commissioner of Agriculture as the chief immigration officer. This position is essential to facilitating coordination, assistance, and communication between the Federal Government, state entities, local governmental entities, and law enforcement agencies regarding the enforcement of federal immigration laws. The bill creates several responsibilities for the chief immigration officer, including:

- Serving as the state’s official liaison between state entities, local governmental entities, and law enforcement agencies and the Federal Government regarding the enforcement of federal immigration laws;
- Providing recommendations to the legislature to improve assistance and coordination with the Federal Government on immigration;
- Reporting to the Legislature, no later than March 15, 2025, the number of vacant beds available in correctional facilities and county jails that can be sublet to the U.S. Immigration and Customs Enforcement (ICE);
- Serving as the state’s “authorized state officer” under the Laken Riley Act; and
- Having the sole authority to issue a state of emergency related to illegal immigration, illegal migration, or immigration enforcement.

Office of State Immigration Enforcement

The bill creates the Office of State Immigration Enforcement (Office) within the Division of Law Enforcement under the Department of Agriculture and Consumer Services (DACS). The purpose of the office is to aid the chief immigration officer by:

- Encouraging cooperation with the Federal Government to support the enforcement of federal immigration laws to the maximum extent permissible under federal law across the State of Florida.
- Serving as the central point of coordination between federal immigration agencies, state entities, local governmental entities, and law enforcement agencies regarding the enforcement of federal immigration laws.

Various duties and responsibilities regarding employment verification and other matters of immigration are transferred to the Office, including the Unauthorized Alien Transport program under the Division of Emergency Management within the Executive Office of the Governor. References related to immigration are removed from provisions of ch. 943, F.S., and Florida Department of Law Enforcement (FDLE) is required to coordinate with the Office or the chief immigration officer when dealing with federal matters of immigration.

State Immigration Enforcement Council

The bill creates the State Immigration Enforcement Council (Council), made up of seven sheriffs four police chiefs, appointed by the chief immigration officer, and the executive director of the FDLE. The purpose of the Council is to advise the chief immigration officer and includes duties such as:

- Providing recommendations on the resources necessary to aid local law enforcement agencies in the cooperation and coordination with the Federal Government, including financial and training needs.
- Providing recommendations to enhance information sharing between the state entities, local entities, law enforcement agencies, and the Federal Government.
- Providing recommendations on strategies to increase the number of available detention beds for use by the ICE.

Local Law Enforcement Immigration Grant Program

The bill creates the Local Law Enforcement Immigration Grant Program to award grants to support local law enforcement agencies' cooperation and coordination with federal immigration agencies. The Office must annually award any funds specifically appropriated for the grant program to reimburse expenses related to supporting the enforcement of federal immigration laws, including, but not limited to:

- The subletting of detention beds to the ICE;
- Equipment;
- Travel, lodging, and training programs; and
- Certified apprenticeship programs.

Other Immigration Provisions

The bill mandates that every unit of government, including its officers, public-private organizations, and others that contract or act on behalf of any public agency has a duty and an obligation to cooperate to the fullest extent possible with the Federal Government in the enforcement of federal immigration laws and the protection of the borders of the United States.

Criminal Justice Provisions

The bill makes various changes to criminal penalties and pretrial release procedures. These changes include:

- Reclassifying misdemeanor crimes if the defendant has previously been convicted of unlawful reentry;
- Creating a new third degree felony if a noncitizen votes;
- Creating a new felony for aiding or soliciting a noncitizen to vote;
- Adding aiding or soliciting a noncitizen to vote to the list of crimes that may constitute racketeering activity; and
- Ranking specified crimes related to noncitizens voting.

The bill requires law enforcement to:

- Comply with an immigration detainer if such a detainer has been placed on a defendant;
- Notify the state attorney of such detainer; and
- Provide a list of all inmates booked into a detention facility upon request by the federal government.

The bill makes changes to exceptions to reporting a person's information to the Federal Government if such person is a witness or victim of a crime. The changes ensure that the crime occurred in the United States and that such witness or victim is necessary to the investigation or prosecution.

Additionally, the court must consider a defendant's immigration status when determining whether to release a defendant on bail or other release conditions. Immigration status must also be investigated or verified before a person may be released on nonmonetary conditions. The bill also requires the arresting agency to notify the state attorney of a person's immigration status when such person is arrested and charged with a crime for which pretrial detention could be ordered.

Driver License and Vehicles

The bill clarifies proof of identity for driver licenses, titles, and registrations by defining valid passports issued by foreign governments. The bill also requires a person who becomes a U.S. citizen to obtain a replacement driver license within 30 days of becoming a citizen.

Out-of-State Fee Waivers

The bill modifies the eligibility for an out-of-state fee waiver at a public postsecondary institution. Beginning July 1, 2025, a student must be a citizen of the United States or lawfully present in the United States to receive the fee waiver, in addition to other requirements. Public

postsecondary institutions must, beginning July 1, 2025, reevaluate all students currently receiving the waiver to determine continued eligibility.

Fiscal Impact

The bill will have a significant fiscal impact on the DACS and an indeterminate fiscal impact on state revenue due to changes related to tuition waivers. Additionally, the bill will have an indeterminate fiscal impact on local jails and the DOC due to additional or increased penalties.

For the 2024-2025 fiscal year, the sums of \$20,562,630 in recurring funds and \$484,467,609 in nonrecurring funds are appropriated from the General Revenue Fund to the DACS to implement this act. *See Section V., Fiscal Impact Statement.*

Except as otherwise provided by the act, it takes effect upon becoming a law.

II. Present Situation:

Federal Immigration Policy & Background

The Federal Government is responsible for establishing and enforcing immigration laws. Congress has enacted legislation, which the federal courts have interpreted, and the body of immigration law has developed. The responsibility for enforcing immigration laws rests with the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) and its Enforcement and Removal Operations. It is the mission of Enforcement and Removal Operations to identify, apprehend, and remove aliens who are a risk to national security or public safety, enter the country illegally, or seek to undermine the integrity of the country's immigration laws or border control efforts.¹

Immigration Enforcement Encounters

Over the last 4 federal fiscal years (FFY),² the U.S. Border Patrol and Office of Field Operations has recorded close to 11.5 million enforcement encounters as described in the table below.³ These actions refer to actions involving individuals "encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe."⁴ The total also includes encounters that led to apprehensions or expulsions; apprehensions refer to individuals who were physically controlled or temporarily detained due to being unlawfully present in the United States.⁵

¹ U.S. Immigration and Customs Enforcement, Department of Homeland Security, *Enforcement and Removal Operations, Mission*, available at <https://www.ice.gov/about-ice/ero> (last visited January 23, 2025).

² *Id.* The federal fiscal year is October 1 to September 30 of the next calendar year.

³ U.S. Customs and Border Protection, Department of Homeland Security, *Total CBP Enforcement Actions*, available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited January 23, 2025).

⁴ *Id.* at note 1.

⁵ *Id.* at notes 1 and 2.

Enforcement	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Total Enforcement Encounters	646,822	1,956,519	2,766,582	3,201,144	2,901,142

In addition to the approximately 11.5 million enforcement encounters, the U.S. Customs and Border Protection has recorded roughly 2 million known “gotaways” since the beginning of FFY 2021, but the actual number of gotaways may be 20 percent greater.⁶ Gotaways are individuals who have evaded detection and attempts at verifying their identities or backgrounds.

Immigration Hearings

Though they may be removed at some point, many inadmissible aliens are released or paroled into the United States after an enforcement encounter. Under federal law, an inadmissible alien is an alien who is generally ineligible to receive a visa or ineligible to be admitted to the United States for specified reasons.⁷ Those released or paroled include hundreds of thousands of inadmissible aliens who have scheduled appointments through the CBP One app.⁸ This app, disabled by the new federal administration on January 20, 2025, was used for scheduling appointments for asylum processing at points of entry along the southwest border.⁹

Many illegal immigrants who are released into the United States are given hearing dates at an immigration court of the U.S. Department of Justice’s Executive Office for Immigration Review.¹⁰ While these courts have experienced a substantial backlog of cases since FFY 2006, the number of pending cases has recently grown at unprecedented levels. Federal fiscal year 2019 registered more than 1 million pending cases for the first time in its history. The total pending cases approached almost 2.5 million at the conclusion of FFY 2023. At the conclusion

⁶ Homeland Security Committee Republicans, U.S. House of Representatives, *Border Crisis Startling Stats: Fiscal Year 2024 Ends With Nearly 3 Million Inadmissible Encounters Bringing Total Encounters to 10.8 Million Since FY2021*, (September 2024), available at <https://homeland.house.gov/wp-content/uploads/2024/10/September-24-Startling-Stats.pdf>. (last visited January 26, 2025).

⁷ Specified reasons include, in part, that the alien has a communicable disease of public health significance; has a physical or mental disorder and behavior that poses a threat to the property, safety or welfare of the individual or others; has committed acts constituting a crime of moral turpitude; has violated a law related to a controlled substance; has committed two or more criminal offenses for which the aggregate sentences to confinement were 5 years or more; trafficked in controlled substances; has engaged in terrorist activity, is likely to engage in terrorist activity, or has incited terrorist activity; has falsely represented himself or herself to be a citizen of the U.S.; an alien who has voted illegally. See 8 U.S.C. s. 1182 for more details, including exceptions and grounds for waivers. For a more in depth explanation of the various grounds for inadmissibility see Abigail F. Kolker and Hillel R. Smith, *Immigration: Grounds of Inadmissibility*, Congressional Research Service (July 29, 2024), available at <https://crsreports.congress.gov/product/pdf/IF/IF12662>. (last visited January 26, 2025).

⁸ Homeland Security Committee Republicans, U.S. House of Representatives, *Border Crisis Startling Stats: Fiscal Year 2024 Ends With Nearly 3 Million Inadmissible Encounter, Bringing Total Encounters to 10.8 Million Since FY 2021* (September 2024) (explaining that since January 2023, 95.8 percent of 852,000 otherwise inadmissible aliens who scheduled appointments through the CBP One app from January 2023 through September 2023 were ultimately released into the United States on parole), available at <https://homeland.house.gov/wp-content/uploads/2024/10/September-24-Startling-Stats.pdf>. (last visited January 26, 2025).

⁹ U.S. Customs and Border Protection, Department of Homeland Security, *CBP One Mobile Application*, available at <https://www.cbp.gov/about/mobile-apps-directory/cbpone>. (last visited January 24, 2025).

¹⁰ Holly Straut-Eppsteiner, *Immigration Courts: Decline in New Cases at the End of FY2024*, Congressional Research Service (November 26, 2024), available at <https://crsreports.congress.gov/product/pdf/IN/IN12463> (last visited January 26, 2025).

of FFY 2024, there were almost 3.6 million pending cases. These immigration hearings often relate to asylum claims that are raised as a defense to removal.¹¹

Attempts to Locate Migrants Who Have Been Released into the Country

The Office of Inspector General (OIG) of the DHS released a report¹² in September 2023 that noted from March 2021 through August 2022, the DHS released more than 1,000,000 migrants into the country.

The DHS is required to obtain an address for each migrant when possible. However, the inspector general's office reviewed 981,671 migrant records and found that addresses for more than 177,000 records, or approximately 18 percent, were missing, were not valid for delivery purposes, or did not contain legitimate residential locations. Of the total number of addresses, 80 percent were reported to have been used at least twice during the 18 month period of the review. Over 780 residential addresses were listed more than 20 times. The report stated that 54,663 records did not contain an address. The report also noted that in an average month, the DHS releases more than 60,000 migrants into the country and it is essential that the post-release addresses be accurate for ICE to be able to locate migrants once they are released.

The OIG made four recommendations for the DHS to implement and thereby improve the ability to locate migrants who have been released. The DHS responded to the recommendations by stating that it did not concur with the OIG's analysis. As a result, the OIG responded that it did not find the DHS' actions to be responsive to the recommendations.

Illegal Immigrant Population Estimates

Current authoritative data on the number of illegal immigrants in the United States or in this state is not available. However, the PEW Research Center estimated that the number of illegal immigrants in the United States was approximately 11 million in 2022.¹³ For Florida, the Center estimated that the population of illegal immigrants grew by 400,000 from 2019 to 2022 to approximately 1.2 million.¹⁴ These estimates of illegal immigrants include those aliens who have temporary protection from deportation. The estimates, however, do not include aliens who have been admitted for lawful residence, persons admitted as refugees, persons granted asylum, and lawful temporary residents such as foreign students and guest workers.

New Executive Orders by President Trump

On his first day in office, President Trump issued the following executive orders relating to the enforcement of federal immigration laws:

¹¹ Holly Straut-Eppsteiner, *Asylum Process in Immigration Courts and Selected Trends*, Congressional Research Service (May 15, 2023), available at <https://crsreports.congress.gov/product/pdf/R/R47504>. (last visited January 26, 2025).

¹² Joseph V. Cuffari, Ph.D., Inspector General, Office of Inspector General, Department of Homeland Security, *DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States* (September 6, 2023), available at <https://www.oig.dhs.gov/sites/default/files/assets/2023-09/OIG-23-47-Sep23-Redacted.pdf>. (last visited January 26, 2025).

¹³ Jeffrey S. Passell and Jens Manuel Krogstad, Pew Research Center, *What we know about unauthorized immigrants living in the U.S.* (July 22, 2024), available at <https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/>. (last visited January 26, 2025).

¹⁴ *Id.*

- *Declaring a National Emergency at the Southern Border of the United States*, ordered the deployment of the Armed Forces, including the Ready Reserve and the National Guard, to obtain complete operational control of the southern border.¹⁵ The order also directed the Secretaries of Defense and Homeland Security to immediately construct additional physical barriers along the southern border.
- *Securing Our Borders*, ordered that the border be secured through various means including federal-state partnerships to enforce federal immigration priorities, detaining and removing aliens apprehended for violations of immigration law, and ending the prior administrations “catch-and-release” practices.¹⁶
- *Realigning the United States Refugee Admissions Program*, ordered that state and local jurisdictions have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions.¹⁷
- *Designating Cartels and other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists*, noted that some violent cartels profit by the trafficking of drugs and humans through Mexico and into the United States in ways that threaten the security and stability of Mexico and the United States.¹⁸ Based on that finding, the order directed the Secretary of State, in consultation with other federal officials, to make recommendations regarding the designation of any cartel or similar organization as a Foreign Terrorist Organization or Specially Designated Global Terrorist.

Immigration Policy in Florida

In recent years, Governor DeSantis and the Legislature have taken action to address the increasing immigration crisis. The Governor has issued the following executive orders:

- September 28, 2021, Executive Order No. 21-223, *Biden Border Crisis*.¹⁹ Finding that the detrimental effects of an unsecured southwest border of the United States would reverberate beyond border states, including increased crime, such as drug trafficking and human trafficking and smuggling, diminished economic opportunities for American workers, and stresses on education and healthcare systems. The order prohibited state agencies from assisting with the transport of aliens apprehended at the southwest border into Florida. Moreover, the order required state agencies to use the federal Systematic Alien Verification for Entitlements program to confirm the eligibility of persons before providing any funds, resources, or other benefits.

¹⁵ Executive Order by President Trump, *Declaring a National Emergency at the Southern Border of the United States* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>. (last visited January 26, 2025).

¹⁶ Executive Order by President Trump, *Securing Our Borders* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>. (last visited January 26, 2025).

¹⁷ Executive Order by President Trump, *Realigning the United States Refugee Admission Program* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/>. (last visited January 26, 2025).

¹⁸ Executive Order by President Trump, *Designating Cartels and other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/>. (last visited January 26, 2025).

¹⁹ See State of Florida, Office of the Governor, *Executive Order No. 21-223* (September 28, 2021), available at https://flgov.com/eog/sites/default/files/executive-orders/2024/EO_21-223.pdf. (last visited January 26, 2025).

- January 6, 2023, Executive Order No. 23-03, *Emergency Management – Illegal Migration*.²⁰ Based on findings of unprecedented interdictions, attempts of entry, and border patrol encounters, the Governor designated the migration of unauthorized aliens to Florida as likely to constitute a major disaster and designated the director of the Division of Emergency Management as the state coordinating officer for the disaster with direction to execute response, recovery, and mitigation plans necessary to cope with the emergency. The order also activates the Florida National Guard, as needed, to assist with the efforts. The order waives contracting policies and requirements, allows for expenditure of state funds through the Emergency Preparedness and Response Fund, and authorizes medical professionals, social workers, and counselors with good and valid licenses issued by other states to provide humanitarian aid services.²¹

The Governor extended the duration of Executive Order No. 23-03 multiple times for the same reason: “the influx of illegal aliens remains unabated and the response from the Biden Administration continues to be inadequate.”²² The order, last extended on December 9, 2024, remains in effect for 60 days following that date.²³

The Legislature responded to the recent increases in illegal immigration most significantly by enacting:

- SB 1718 (2023), increased criminal penalties for human smuggling and using false identification; required employers use E-Verify; provided that driver licenses issued in other states to persons who do not provide proof of lawful presence in the U.S. are not valid in this state; required persons in the custody and subject to an immigration detainer to submit a DNA sample; and required the collection of data to aid in the determination of the cost of health care provided to illegal immigrants.
- HB 1589 (2024) increased criminal penalties for repeat offenses of driving without a valid driver license.
- SB 1036 (2024) increased criminal penalties for certain persons who commit a felony after having been convicted of a crime relating to the reentry into the United States, and for committing crimes to further the interests of a transnational crime organization, which is an organization that is routinely involved in trafficking drugs, humans, or weapons.
- HB 1451 (2024) prohibited counties and municipalities from accepting identification cards that are issued by organizations that knowingly issue them to individuals who are not lawfully present in the United States.

²⁰ State of Florida, Office of the Governor, *Executive Order No. 23-03* (January 6, 2023), available at <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-23-03-1.pdf>. (last visited January 26, 2025).

²¹ *Id.*

²² See State of Florida Office of the Governor, *Executive Order Nos. 23-49, 23-88, 23-134, 23-213, 23-245, 24-35, 24-74, 24-118, 24-173, 24-220, and 24-269*.

²³ State of Florida, Office of the Governor, *Executive Order No. 24-269* (December 9, 2024), available at <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO%2024-269.pdf>. (last visited January 26, 2025).

Cooperation with Federal Immigration Enforcement

Legislation in 2019 created ch. 908, F.S., which, among other things, prohibits state and local government entities from having sanctuary policies.^{24, 25} The act sought to ensure that state and local entities and law enforcement agencies cooperate with Federal Government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the law prohibits sanctuary policies and requires law enforcement agencies to support the enforcement of federal immigration law.²⁶ When local law enforcement agencies work with federal immigration officials, aliens who have committed serious crimes are more easily identified and removed.

Each law enforcement agency operating a county detention facility must enter into a written agreement with the ICE to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.²⁷ Until the law enforcement agency enters into the written agreement, the agency must notify the Department of Law Enforcement (FDLE) quarterly of the status of such written agreement and any reason for noncompliance if applicable.²⁸

The 287(g) program allows ICE to partner with state and local law enforcement agencies to identify and remove incarcerated criminal aliens who are amenable to removal from the U.S. before they are released into the community. There are two program models: the Jail Enforcement Model and the Warrant Service Officer program. The Jail Enforcement Model is designed to identify and process removable aliens who are arrested by state and local law enforcement and have criminal or pending criminal charges. The Warrant Service Officer program allows ICE to train, certify, and authorize state and local law enforcement officers to serve and execute administrative warrants on aliens in their agency's jail.²⁹

Section 908.104, F.S., requires a Florida law enforcement agency to use its best efforts to support the enforcement of federal immigration law. This applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

Except as otherwise prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative thereof, may not prohibit or restrict a law enforcement agency from taking the following actions regarding a person's immigration status:³⁰

²⁴ Section 908.103, F.S.

²⁵ Chapter 2019-102, L.O.F. The law was challenged in *City of South Miami v. DeSantis*, 408 F.Supp.3d 1266 (S.D. Fla. Sept. 21, 2021). Three provisions were enjoined but severable from the remainder of the law. The case was appealed to the Eleventh Circuit Court of Appeals on October 20, 2021, and the Eleventh Circuit vacated the judgment and remanded to the lower court with instructions to dismiss for lack of jurisdiction. *See City of South Miami v. DeSantis*, 65 F. 4th 631 (11th Cir. 2023).

²⁶ *See* ch. 908, F.S.

²⁷ Section 908.11, F.S. A law enforcement agency is not required to participate in a particular program model.

²⁸ *Id.*

²⁹ U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, (January 24, 2025), available at <https://www.ice.gov/identify-and-arrest/287g> (last visited January 26, 2025).

³⁰ Section 908.104(2), F.S.

- Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency.
- Recording and maintaining the information.
- Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency.
- Using the information to comply with an immigration detainer.
- Using the information to confirm the identity of a person who is detained by a law enforcement agency.
- Sending the applicable information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency.³¹

A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency must:

- Provide to the judge authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer.
- Record in the person's case file that the person is subject to an immigration detainer.
- Upon determining the detainer is in accordance with s. 908.102(2), F.S.,³² comply with the requests made in the immigration detainer.^{33, 34}

A judge who receives notice that a person is subject to an immigration detainer must ensure the fact is recorded in the court record, regardless of whether the notice is received before or after a judgement in the case.

In an applicable criminal case,³⁵ when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge must issue an order requiring the secure correctional facility³⁶ housing the defendant to reduce the defendant's sentence by no more than 12 days on the determination that the reduction will aid in a seamless transfer of the defendant

³¹ Section 908.104(2)(a)-(f), F.S.

³² "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with the warrant described. An immigration detainer is facially sufficient if the federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or if the federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that the agency has probable cause and the agency supplies a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law. Section. 908.102(2), F.S.

³³ Section 908.105(1)(a)-(c), F.S.

³⁴ Section 908.105(2), F.S., provides that law enforcement agency is not required to notify the judge or record in the person's case file if the person is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed those duties prior to the transfer.

³⁵ "Applicable criminal case" means a criminal case in which the judge requires the defendant to be confined in a secure correctional facility and the judge either indicates in the record under s. 908.105, F.S., that the defendant is subject to an immigration detainer, or otherwise indicates the defendant is subject to a transfer into federal custody.

³⁶ "Secure correctional facility" means a state correctional institution as defined in s. 944.02, F.S., or a county detention facility or a municipal detention facility as defined in s. 951.23, F.S.

into federal custody.³⁷ If information regarding an immigration detainer is not available at the time of sentencing, a law enforcement agency must notify the judge who will issue the order as soon as the information becomes available.³⁸

When a county correctional facility or the Department of Corrections (DOC) receives verification from a federal immigration agency that a person in custody is subject to an immigration detainer, the law enforcement agency may transport the person to a federal facility in this state or another point of transfer to federal custody outside the jurisdiction of law enforcement. The agency may not transfer a person earlier than 12 days before his or her release date. A law enforcement agency must obtain judicial authorization before transporting a person to a point of transfer outside of the state.³⁹

A state entity, local governmental entity, or law enforcement agency is not required to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the agency's request for information and cooperation in the investigation and prosecution of the offense.⁴⁰ An agency that withholds information regarding the immigration information of a victim or witness must document cooperation in the investigative records related to the offense and retain the records for at least 10 years.⁴¹ A law enforcement agency is not authorized to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was the victim of a criminal offense.⁴²

Additionally, a state entity, local governmental entity, or law enforcement agency is not required to provide a federal immigration agency with information related any alien unlawfully present in the United States if he or she has been a necessary witness or victim of a specified crime.⁴³

Any executive or administrative state, county, or municipal officer who violates his or her duties under ch. 908, F.S., relating to federal immigration enforcement, may be subject to action by the Governor in the exercise of his or her authority under the Florida Constitution and state law. The governor may initiate judicial proceedings in the name of the state to enforce officers' compliance with any duty or to restrain any unauthorized act contrary to ch. 908, F.S.⁴⁴

Additionally, the Attorney General may file a suit against any local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief. The court must enjoin an unlawful sanctuary policy if the local governmental entity or local law enforcement agency violates ch. 908, F.S.⁴⁵ The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings. An

³⁷ Section 908.104(3)(b), F.S.

³⁸ Section 908.104(3)(c), F.S.

³⁹ Section 908.104(4), F.S.

⁴⁰ Section 908.104(5), F.S.

⁴¹ Section 908.104(6), F.S.

⁴² Section 908.104(7), F.S.

⁴³ Section 908.104(8), F.S., specified crimes include domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, and witness tampering.

⁴⁴ Section 908.107(1), F.S.

⁴⁵ Section 908.107(2)-(3), F.S.

order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy.⁴⁶

Florida Agencies & Immigration Enforcement

Florida Department of Law Enforcement

The mission of the FDLE is to “promote public safety and strengthen domestic security by providing services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida’s citizens and visitors.”⁴⁷

The FDLE must coordinate and direct the law enforcement, initial emergency, and other initial responses with respect to counter-terrorism efforts, responses to acts of terrorism within or affecting this state, coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws, responses to immigration enforcement incidents within or affecting this state, and other matters related to the domestic security of Florida as it relates to terrorism and immigration enforcement incidents.⁴⁸

The FDLE’s Executive Director serves as the Chief of Domestic Security in Florida and oversees the Office of Domestic Security. The office works with federal, state, and local officials to detect, prevent, prepare for, respond to, and recover from acts of terrorism within or affecting this state and immigration enforcement incidents within or affecting this state.⁴⁹

There are three primary components to Florida’s domestic security governance structure: the regional domestic security task forces (RDSTF), the domestic security coordinating group, and the domestic security oversight council.⁵⁰ The regional domestic security task forces consist of local and multi-disciplinary representatives who collectively support the domestic security mission and provide the necessary link between the state and local communities. There are seven regional domestic security task forces located across the state in Pensacola, Tallahassee, Jacksonville, Orlando, Tampa, Ft. Myers, and Miami.⁵¹

The RDSTF’s advise the FDLE and the Chief of Domestic Security on the development and implementation of a statewide strategy to address prevention, preparation, protection, response, and recovery efforts related to the state’s domestic security. The task forces also coordinate efforts to cooperate with and aid the Federal Government in the enforcement of federal immigration laws within or affecting this state among local, state, and federal resources to ensure that such efforts are not fragmented and duplicative.⁵²

The Domestic Security Coordinating Group (DSCG) is made up of representatives and subject matter experts from the RDSTFs, designated urban areas, state agency partners, and key

⁴⁶ Section 908.107(3)-(4), F.S.

⁴⁷ Florida Department of Law Enforcement, *About FDLE*, available at <https://www.fdle.state.fl.us/About-Us/General-Information> (last visited January 24, 2025).

⁴⁸ Section 943.03(14), F.S.

⁴⁹ Section 943.0311(1)(a), F.S.

⁵⁰ Florida Department of Law Enforcement, *Domestic Security Organization*, available at <https://www.fdle.state.fl.us/Domestic-Security/Organization> (last visited January 24, 2025)

⁵¹ *Id.*

⁵² Section 943.0312(2), F.S.

organization liaisons who come together to address domestic security issues presented by the RDSTFs, network of Fusion Centers,⁵³ and the Domestic Security Oversight Council.⁵⁴

The Domestic Security Oversight Council (DSOC) is an executive policy advisory group created to provide guidance to the state's regional domestic security task forces and other domestic security working groups. The DSOC also makes recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and cooperating with and providing assistance to the Federal Government in the enforcement of federal immigration laws and domestic security efforts.⁵⁵

Department of Agriculture and Consumer Services

While current state matters of immigration are enforced by the FDLE, historically such matters were not housed within the FDLE. The Office of Commissioner of Immigration was consolidated with the Offices of the Surveyor General, and became the Commissioner of Lands and Immigration, which was then renamed the Commission of Agriculture. The Commission of Agriculture kept the Bureau of Immigration. Subsequently, the Bureau of Immigration was abolished and the Department of Agriculture, which is now named the Department of Agriculture and Consumer Services (DACS), was created.⁵⁶

The Commissioner of Agriculture serves as the head of the DACS, which is created under s. 20.14, F.S. The DACS currently has 12 divisions within the department.⁵⁷

Florida Department of Health

In order to provide the Florida Department of Health (FDOH) and law enforcement agencies the means to effectively identify, investigate, and arrest persons engaging in human trafficking, an employee and any person performing massage therapy in a massage establishment must

⁵³ "Fusion centers" were established following the terrorist attacks of September 11, 2001, to connect-the-dots between critical information housed in different agencies and share information and intelligence to aid in protecting communities. Fusion centers are the primary conduit between frontline personnel, state, and local leadership which assist in the collective review of information for the purpose of detecting, preventing and preparing for threats to public health and safety. They rely on partner agencies from a variety of sectors, including the private sector, to identify indicators and trends. Fusion centers also accept tips and suspicious activity reports from the public, particularly those that may be indicators for terrorist activity." Florida Department of Law Enforcement, *Florida Fusion Center*, available at <https://www.fdle.state.fl.us/FFC/FusionCenterHistory> (last visited January 24, 2025)

⁵⁴ Florida Department of Law Enforcement, *Domestic Security Organization*, available at <https://www.fdle.state.fl.us/Domestic-Security/Organization> (last visited January 24, 2025)

⁵⁵ *Id.*

⁵⁶ See Florida Department of Agriculture and Consumer Services, *Our History*, available at <https://www.fdacs.gov/About-Us/Our-History> (last visited January 24, 2025).

⁵⁷ Section 20.14, F.S., Divisions within the DACS include: Administration; Agriculture Environmental Services; Animal Industry; Aquaculture; Consumer Services; Food Safety; Florida Forest Service; Fruit and Vegetables; Licensing.

immediately present, upon the request of an investigator of the FDOH or a law enforcement officer, valid government identification while in the establishment.^{58, 59}

The FDOH must notify a federal immigration office if a person operating a massage establishment, an employee, or any person performing massage therapy in a massage establishment fails to provide valid government identification as required.⁶⁰

Executive Office of the Governor and the Division of Emergency Management

As described above, in 2023 the Governor issued Executive Order 23-03, declaring a state of emergency^{61, 62} and directing state law enforcement agencies and other state agencies to take necessary actions to protect Floridians from the impacts of the border crisis.

During the state of emergency, the Governor is the commander in chief of the Florida National Guard and all other forces available for emergency duty.⁶³ In addition to any other powers conferred upon the Governor by law, she or he may exercise additional authority granted under s. 252.36, F.S., which includes, in part, the ability to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.⁶⁴

In response to Executive Order 23-03, the Legislature found that the Federal Government failed to secure the nation's borders and has allowed a surge of inspected unauthorized aliens⁶⁵ to enter the United States.⁶⁶

⁵⁸ Section 480.0535(1), F.S., "Valid government identification means" a valid, unexpired driver license issued by any state, territory, or district of the U.S.; a valid, unexpired identification card issued by any state, territory, or district of the U.S.; a valid, unexpired U.S. passport; a naturalization certificate issued by the U.S. Department of Homeland Security; a valid, unexpired alien registration receipt card (green card); or a valid, unexpired employment authorization card issued by the U.S. Department of Homeland Security.

⁵⁹ Section 480.0535, F.S., A person operating a massage establishment must immediately present, upon the request of an investigator of the FDOH or a law enforcement officer specified identification and documentation and ensure that each employee or person performing massage therapy is able to immediately present valid government identification while in the establishment. A person who violates this section commits a second-degree misdemeanor for a first violation, a first-degree misdemeanor for a second violation, and third-degree felony for a third or subsequent violation.

⁶⁰ Section 480.0535(4), F.S.

⁶¹ Section 252.36(1)(a), F.S., provides the Governor is responsible for meeting the dangers presented to this state and its people by emergencies and, in the event of an emergency beyond local control, may assume direct operational control over all or any part of the emergency management functions within this state.

⁶² Section 252.36, F.S., A state of emergency must be declared by executive order or proclamation of the Governor if she or he finds an emergency has occurred or that the occurrence or the threat thereof is imminent. The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency. Additionally, at any time, the Legislature, by concurrent resolution, may terminate a state of emergency or any specific order, proclamation, or rule. Upon such concurrent resolution, the Governor must issue an executive order or proclamation consistent with the concurrent resolution.

⁶³ Section 252.36(5), F.S.

⁶⁴ Section 252.36(6)(a), F.S.

⁶⁵ Ch. 2023-3, L.O.F., An "inspected unauthorized alien" means an individual who has documentation for the U.S. government indicating that the U.S. government processed and released him or her into the U.S. without admitting the individual in accordance with the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101, et seq.

⁶⁶ *Id.*

The Legislature created the Unauthorized Alien Transport Program (UATP) in an effort to mitigate the effects of this crisis on the State of Florida. The UATP is under the Division of Emergency Management within the Executive Office of the Governor and was created for the purpose of facilitating the transport of inspected unauthorized aliens within the United States, consistent with federal law. The division is authorized to contract for services to implement the program. This program expires June 30, 2025.⁶⁷ The Legislature appropriated \$10 million of nonrecurring general revenue funds to the division to implement the provisions.

Criminal Laws Related to Illegal Immigration

Voting

In Florida, it is a third-degree felony for a person, knowing he or she is not a qualified elector, to willfully vote at any election.⁶⁸

While Florida law does not have any crime specifically related to an unauthorized alien voting in an election, 18 U.S.C. s. 611, provides that it is unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless:

- The election is held partly for some other purpose;
- Aliens are authorized to vote for such other purpose under a state constitution or local ordinance; and
- Voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.

Violation of this section is punishable by a fine and imprisonment for not more than one year.⁶⁹

Florida RICO Act

The “Florida RICO (Racketeer Influenced and Corrupt Organization) Act” is the short title for ss. 895.01-895.06, F.S.⁷⁰ “Racketeering activity” means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any of a number of offenses listed in the definition.⁷¹ In 2023, the Legislature added the offense of human smuggling to the list of offenses that may constitute racketeering activity.⁷²

Section 895.03, F.S. provides that it is unlawful for any person:

⁶⁷ *Id.*

⁶⁸ Section 104.15, F.S.

⁶⁹ 18 U.S.C. s. 611; This section does not apply if each natural parent, or adoptive parent, is or was a citizen; the alien permanently resided in the U.S. prior to attaining the age of 16; and the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the U.S.

⁷⁰ Section 895.01, F.S.

⁷¹ Section 895.02(8), F.S. These offenses include violations of specified Florida laws (e.g., Medicaid fraud, kidnapping, human trafficking, and drug offenses) as well as any conduct defined as “racketeering activity” under 18 U.S.C. s. 1961(1)

⁷² Section 895.02(8)(a)27., F.S.

- Who with criminal intent has received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt⁷³ to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.⁷⁴
- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.
- Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.
- To conspire or endeavor to violate any of the previously described activity.⁷⁵

Section 895.04, F.S., provides that a conviction for engaging in the above activities results in a first-degree felony.^{76, 77}

Reclassification of Crimes Committed After Unlawful Reentry

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.⁷⁸ Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.⁷⁹

In 2024 the Legislature enacted s. 775.0848, F.S., to reclassify the penalty for committing a felony after such person has been convicted for unlawful reentry by a removed alien pursuant to 8 U.S.C. s. 1326. Section 775.0848, F.S., provides that:

- A felony of the third degree is reclassified to a felony of the second degree.⁸⁰
- A felony of the second degree is reclassified to a felony of the first degree.⁸¹

⁷³ Section 895.02(12), F.S., “Unlawful debt” means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of specified Florida laws (e.g., various gambling offenses) as well as any gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

⁷⁴ Section 895.02(5), F.S., “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal gang as defined in s. 874.03, F.S., constitutes an enterprise.

⁷⁵ Section 895.03(4), F.S.

⁷⁶ A first-degree felony is generally punishable by up to 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

⁷⁷ Section 895.05(2), F.S., In addition to criminal penalties under s. 895.04, F.S., s. 895.05, F.S., imposes civil liability for violations of the Florida RICO Act, including forfeiture to the state of all property, including money, used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of the act

⁷⁸ *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

⁷⁹ *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because “[p]enal statutes must be construed in terms of their literal meaning [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated”).

⁸⁰ A third-degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. (Sections 775.082 and 775.083, F.S.).

⁸¹ A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. A first-degree felony is punishable by up to 30 years to life imprisonment and a \$10,000 fine. (Sections 775.082 and 775.083, F.S.).

- A felony of the first degree is reclassified to a life felony.⁸²

Reentry to the United States by aliens⁸³ who have been removed from the U.S. is addressed in 8 U.S.C.A. 1326 as follows:

- Any alien who has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States...shall be fined under Title 18, or imprisoned not more than 2 years, or both.
- Any alien whose removal was subsequent to a conviction for the commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony),⁸⁴ such alien shall be fined under Title 18, imprisoned not more than 10 years, or both.
- Any alien whose removal was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

The term “removal” includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either federal or state law.⁸⁵

Criminal Punishment Code

The Criminal Punishment Code⁸⁶ is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (levels 1-10). Points are assigned and accrue based upon the severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates.

Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S. Currently, a felony of the third degree is ranked as a level 1 offense, and a second-degree felony is ranked as a level 4 offense.⁸⁷

Pretrial Detention and Bail

Article I, s. 14 of the Florida Constitution states that “[u]nless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.”

⁸²A first-degree felony is punishable by up to 30 years or when specifically provided by statute, life imprisonment, and a \$10,000 fine. A life felony is punishable by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment. (Sections 775.082 and 775.083, F.S.).

⁸³ The term “alien” means any person not a citizen or national of the United States. 8 U.S.C.A. 1101(a)(3).

⁸⁴ “Aggravated felony” is defined in 8 U.S.C.A. 1101(a)(43)(A)-(U). The term applies to a felony offense, whether in violation of Federal or State law, and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. 8 U.S.C.A.1101(a).

⁸⁵ 8 U.S.C.A. 1326(b).

⁸⁶ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

⁸⁷ Section 921.0023(1) and (2), F.S.

A person must appear before a judge within 24 hours of arrest for a “first appearance.”⁸⁸ During first appearance, a judge advises a defendant of the charges for which he or she was arrested, determines whether there is probable cause that a defendant committed such an offense, and advises a defendant of specified rights.⁸⁹ If a judge determines that probable cause exists, the judge then determines whether a defendant is entitled to pretrial release. A judge may grant pretrial release either by setting a specified bail amount or releasing the defendant on his or her own recognizance.⁹⁰

Section 903.046, F.S., provides that the purpose of bail proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to ensure the safety of the public. When determining whether to release a defendant on bail or other conditions, and what that bail or conditions may be, the court must consider certain factors. Such factors include, in part:

- The nature and circumstances of the offense charged.
- The weight of the evidence against the defendant.
- The defendant’s family ties, length of residence in the community, employment history, financial resources, and mental condition.
- The nature and probability of danger which the defendant’s release poses to the community.
- Any other facts the court considers relevant.⁹¹

While Florida does not specify that the court may consider a defendant’s immigration status when setting bail, courts have found that this may be considered in the court’s analysis.⁹²

Employment Verification

It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.⁹³ If the Florida Department of Commerce (DCM) finds or is notified by a specified entity that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility, the DCM must enter an order making such determination and require repayment of any economic development incentive.⁹⁴

The DCM must place the employer on probation for a 1-year period and require that the employer report quarterly to the DCM to demonstrate compliance if there was a violation. Any violation which takes place within 24 months after a previous violation constitutes grounds for

⁸⁸ Fla. R. Crim. P. 3.130.

⁸⁹ *Id.*

⁹⁰ Fla. R. Crim. P. 3.131.

⁹¹ Section 903.046, F.S.

⁹² *See U.S. v. Lozano, U.S.*, 2009 WL 3052279 (M.D. Ala, 2009).

⁹³ Section 448.09(1), F.S.

⁹⁴ Section 448.09(2); Section 288.061(6), F.S., prohibits the Secretary of Commerce from approving an economic development incentive application unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify system. Upon a final determination of noncompliance, the awardee must repay all moneys received as an economic development incentive to the department within 30 days after the final determination. Section 288.061, F.S.

the suspension or revocation of all licenses issued by a licensing agency subject to ch. 120, F.S. The DCM is required to take the following actions for a violation involving:

- One to 10 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.
- Eleven to 50 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.
- More than 50 unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them.⁹⁵

Section 448.095, F.S., requires an employer to verify each new employee's employment eligibility within 3 business days after the first day that the employee begins working for pay. A public agency, or a private agency with 25 or more employees, must use the E-Verify system to verify employment eligibility. Each employer required to use the E-Verify system must certify compliance each year to the Department of Revenue when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.⁹⁶

If the E-Verify system is unavailable for 3 business days after the new employee begins working for pay and an employer cannot access the system to verify eligibility, an employer must use the Employment Eligibility Verification form (Form I-9) to verify that new hires are authorized to work in the United States. The employer must retain a copy of the documentation provided and any official verification generated for at least three years.⁹⁷

An employer may not continue to employ an unauthorized alien after obtaining knowledge that a person is or has become an unauthorized alien.⁹⁸

An employer must provide copies of any documentation relied upon by the employer for the verification of employment eligibility when requested by the following:

- The Department of Law Enforcement;
- The Attorney General;
- The state attorney in the circuit in which the new employee works;
- The statewide prosecutor; or
- The Department of Commerce.

A person or entity that makes a request must rely on the Federal Government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.⁹⁹

An employer that uses the E-Verify system or, if that system is unavailable, Form I-9 has established a rebuttable presumption that the employer did not knowingly employ an unauthorized alien. An employer that uses the same documentation required by the United States

⁹⁵ Section 448.09(4), F.S.

⁹⁶ Section 448.095(2), F.S., An employer that voluntarily uses the E-Verify system may also make such a certification on its first return each calendar year in order to document such use.

⁹⁷ Section 448.095(2), F.S.

⁹⁸ *Id.*

⁹⁹ Section 448.095(3), F.S.

Citizenship and Immigration Services on its Form I-9 has established an affirmative defense¹⁰⁰ that the employer did not knowingly employ an unauthorized alien.¹⁰¹

A public agency¹⁰² must require in any contract that the contractor,¹⁰³ and any subcontractor¹⁰⁴ thereof, register with and use the E-Verify system to verify the work authorization of all new employees.¹⁰⁵

If the DCM determines an employer failed to use the E-Verify system, the department must notify the employer of noncompliance and provide the employer with 30 days to rectify the noncompliance. If an employer failed to use the E-Verify system three times in a 24-month period, the DCM must impose a fine of \$1,000 per day until the employer provides sufficient proof to the DCM that the compliance has been cured. The DCM must use any fines collected for employer outreach and public notice of the state's employment verification laws. Noncompliance constitutes grounds for the suspension of all licenses until the noncompliance has been cured.

Impact of Immigration on Hospitals

Hospitals offer a range of health care services with beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care.¹⁰⁶ Hospitals must make regularly available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment.¹⁰⁷

Section 395.3027, F.S., requires any hospital that accepts Medicaid to include a question on its admission or registration forms, to be answered by the patient or the patient's representative, inquiring whether the patient: is a United States citizen; is lawfully present in the United States; is not lawfully present in the United States; or declines to answer. The question must be followed by a statement indicating that the response to the question will not affect patient care or result in a report of the patient's immigration status to immigration authorities.¹⁰⁸

Each hospital must provide a quarterly report to the Florida Agency for Health Care Administration (AHCA), within 30 days of the end of each quarter, detailing the number of hospital admissions or emergency department visits by patients who responded to, or declined to

¹⁰⁰ An affirmative defense is a defense in which the defendant introduces evidence, which, if found to be credible, will negate criminal liability or civil liability, even if it is proven that the defendant committed the alleged acts.

¹⁰¹ Section 448.095(4), F.S.

¹⁰² "Public agency" means any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, state, county, city, town, village, municipality, or any other separate unit of government created or established pursuant to law, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency. Section 448.095(1)(d), F.S.

¹⁰³ "Contractor" means a person or an entity that has entered or is attempting to enter into a contract with a public agency to provide labor, supplies, or services to such agency in exchange for salary, wages, or other remuneration. Section 448.095(1)(a), F.S.

¹⁰⁴ "Subcontractor" means a person or an entity that provides labor, supplies, or services to or for a contractor or another subcontractor in exchange for salary, wages, or other remuneration." Section 448.095(1)(e), F.S.

¹⁰⁵ Guidance for entering into such contracts is provided in s. 448.095(5), F.S.

¹⁰⁶ Section 395.002(12), F.S.

¹⁰⁷ Section 395.002(12), F.S.

¹⁰⁸ Section 395.3027(1), F.S.

answer, the above questions.¹⁰⁹ The AHCA must compile such data and provide a report to the Governor and the Legislature by March 1 of each year. Additionally, the report must describe the costs of uncompensated care provided to patients not lawfully in the country, the impact of uncompensated care on the cost or ability of hospitals to provide services to the public and on hospital funding needs, and other related information.¹¹⁰

In the final report for 2023, the AHCA reported 0.81% of admissions and 0.83% of emergency department visits were notated as illegal aliens. Specifically, the report states:

Approximately 0.82% of all hospital admissions and emergency room visits combined were by patients who were not legally in the country. It is unclear how many of the 0.82% were able to pay for all or a portion of the services provided. It should be noted that approximately 7.5% of admissions and emergency department visits were reported as declined to answer. Presumably some portion of those responses contain respondents who were in the country illegally. Some facilities had issues in the early weeks of collecting data and may have used this category when data collection was missing and/or for patients who were unable to respond due to their medical condition.¹¹¹

This report also states the total approximate cost of care provided to illegal immigrants is greater than \$566 million.¹¹² As indicated above, it is unclear how much of that care provided to illegal aliens was uncompensated. It is also unclear what percentage of the declined to answer respondents were illegal aliens.

Driver Licenses or Identification Cards

Section 322.19, F.S., provides that, with certain exceptions, whenever any person, after applying for or receiving a driver license or identification card, changes his or her legal name, that person must within 30 days obtain a replacement license or card that reflects the change. Similarly, if a person, after applying for or receiving a driver license or identification card, changes the legal residence or mailing address in the application, license, or card, the person must, within 30 days after making the change, obtain a replacement license or card that reflects the change. A violation of this requirement is a non-moving violation, punishable as provided s. 318.18, F.S.

Driver License or Identification Card for Non-Citizens

Section 322.08, F.S., establishes requirements governing the application process for driver licenses and identification cards. All applicants must present primary identification; proof of social security number or secondary identification; and two documents that demonstrate a residential address in Florida. Non-U.S. citizens are required to produce proof of legal presence documentation issued through the United States Citizenship and Immigration Services. Non-citizens applying for an original driver license are generally issued a 60-day temporary paper

¹⁰⁹ Section 395.3027(2), F.S.

¹¹⁰ Section 395.3027(3), F.S.

¹¹¹ Florida Agency for Health Care Administration, *The Hospital Patient Immigration Status Report*, (on file with the Senate Committee on Appropriations).

¹¹² *Id.*

permit without a photo and a receipt. Non-U.S. citizens applying for an identification card are issued a receipt. Upon the verification of identity and legal status by the Department of Highway Safety and Motor Vehicles, and satisfactory completion of required knowledge and skills examinations, a driver license or identification card is issued within 60 days and mailed to the address on the driver record. The driver license or identification card is issued for the period of time specified in the relevant United States Citizenship and Immigration Services documentation, up to a maximum of four years.

For purposes of documenting proof of lawful presence for the issuance of a driver license or identification card, s. 322.08, F.S., provides that the Department of Highway Safety and Motor Vehicles may require an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States. While the term “valid passport” is used in various sections of the Florida Statutes, the term is not currently defined.

Education

Florida’s education system has also been affected by the influx in immigration. Florida schools may provide education to those who are here lawfully, unlawfully, or to children whose parents are here unlawfully.

Florida Public Postsecondary Institutions

Florida’s system of public postsecondary education consists of:

- The State University System (SUS), composed of the 12 state universities.¹¹³ Each state university is administered by a local board of trustees.¹¹⁴ The system is supervised by the Board of Governors.¹¹⁵
- The Florida College System (FCS), composed of 28 institutions with defined service areas.¹¹⁶ A local board of trustees governs each FCS institution, and the State Board of Education supervises the system.¹¹⁷
- Career centers (also called technical colleges), which are a part of a district school system and offer technical courses leading toward a career certificate or industry certification.¹¹⁸ There are 47 career centers, each governed its district school board.
- Charter technical career centers, which are public schools or public technical centers operated under a charter granted by a district school board or FCS institution board of trustees.¹¹⁹ Currently, there is one charter technical career center in Florida—Lake Technical College, chartered under the Lake County School Board.

¹¹³ Section 1000.21(9), F.S.

¹¹⁴ Art. IX, s. 7(b), FLA. CONST.

¹¹⁵ Art. IX, s. 7(b), FLA. CONST. *See also* s. 1001.705, F.S.

¹¹⁶ Section 1000.21(5), F.S.

¹¹⁷ Art. IX, S. 8(b), FLA. CONST.

¹¹⁸ Section 1001.44(a), F.S.

¹¹⁹ Section 1002.34(a), F.S.

Residency Status for Tuition Purposes

Students must be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by public postsecondary institutions. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.¹²⁰

To qualify as a resident for tuition purposes, a person, or if that person is a dependent child, his or her parent or parents, must have established legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to his or her initial enrollment in the public postsecondary institution.¹²¹

Each public postsecondary institution must make a residency determination based on the submission of at least two forms of documentation specified in law.¹²²

Tuition and Out-of-State Fees

Florida law defines “tuition” as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state. A student who is classified as a resident for tuition purposes qualifies for the in-state tuition rate. An out-of-state fee is the additional fee for instruction charged to a student who does not qualify for the in-state tuition rate,¹²³ unless these costs are exempted or waived.¹²⁴

The resident undergraduate tuition rate for the SUS is set at \$105.07 per credit hour.¹²⁵ The SUS average tuition and out-of-state fee is \$570.01 per credit hour.

The FCS tuition rate for college credit courses is \$71.98 per credit hour, and the out-of-state fee is \$215.94 per credit hour. Baccalaureate degree program resident tuition is \$91.79 per credit hour, and the total tuition and out-of-state fee may not exceed 85 percent of the tuition and out-of-state fee of the nearest state university.¹²⁶ If a career center offers college credit courses as a part of a career associate degree program, the standard tuition is also \$71.98 per credit hour, and the out-of-state fee is \$215.94 per credit hour.¹²⁷

For non-college-credit career programs at career centers and FCS institutions, the standard tuition is \$2.33 per contact hour, and the out-of-state fee is \$6.99 per contact hour.¹²⁸ Each district school board or FCS institution board of trustees may adopt tuition and out-of-state fees that vary no more than 5 percent below or 5 percent above such fees.¹²⁹

¹²⁰ Section 1009.21, F.S.

¹²¹ Section 1009.21(2)(a), F.S. This section also specifies other circumstances that may classify a person as a resident for tuition purposes.

¹²² Section 1009.21(3), F.S. Documentation includes, but is not limited to, a Florida voter registration card, Florida driver’s license, Florida vehicle registration, homestead exemption (which is a single, conclusive proof of residency), proof of full-time Florida employment, declaration of domicile, Florida incorporation, lease agreements, or utility bills.

¹²³ Section 1009.01, F.S.

¹²⁴ Section 1009.24(2), F.S.

¹²⁵ Section 1009.24(4)(a), F.S.

¹²⁶ Section 1009.23(3), F.S.

¹²⁷ Section 1009.22(4), F.S.

¹²⁸ Section 1009.22(3)(c), F.S.

¹²⁹ Section 1009.22(3)(d), F.S.

Out-of-State Fee Waiver

In 2014, the Florida Legislature established an out-of-state fee waiver for students, including, but not limited to, students who are undocumented for federal immigration purposes, who meet certain conditions:¹³⁰

- Attendance in a secondary school in Florida for three consecutive years immediately before graduating from a high school in Florida.
- Application for enrollment in a state university, FCS institution, or technical center within 24 months after high school graduation.
- Submission of an official Florida high school transcript.

The fee waiver may both include students who are undocumented for federal immigration purposes, as well as students who are lawfully present in the United States, but whose parents are not residents of Florida. The exact number of undocumented students receiving the out-of-state fee waiver is unknown.

The out-of-state fee waiver is applicable for 110 percent of the required credit hours of the degree or certificate program for which the student is enrolled.¹³¹ A student who receives an out-of-state fee waiver is not considered a Florida resident and is not eligible for financial aid awards and tuition assistance grants.¹³²

The below table shows, for the 2023-2024 fiscal year, the number of students receiving an out-of-state fee waiver from a state university, FCS institution, or career center, and the total value of the waived out-of-state fees. The totals include all non-resident students, regardless of lawful status.

Institutions	Number of Students	Total Value of Fee Waiver
State University System ¹³³	2,005	\$20,009,990.00
Florida College System ¹³⁴	4,573	\$20,649,408.44
District Career Centers ¹³⁵	3	\$12,584.70
Total	6,581	\$40,671,983.14

At least 25 states, including Florida, currently have laws and policies that permit certain students who have attended and graduated from secondary schools in their state to pay in-state tuition at

¹³⁰ Section 1009.26(12), F.S.

¹³¹ Section 1009.26(12)(b), F.S.

¹³² The general requirements for student eligibility for state financial aid and tuition assistance in s. 1009.40, F.S., specifies legal residence in Florida. *See also* Board of Governors Regulation 7.008.

¹³³ Florida Board of Governors, *Fee Waivers*, available at <https://www.flbog.edu/resources/data-analytics/dashboards/fee-waiver-summary/> (select *Non-Resident (5012)* waiver label) (last visited January 26, 2025).

¹³⁴ Email, Florida Department of Education (January 24, 2025) (on file with the Committee on Appropriations).

¹³⁵ Email, Florida Department of Education (January 25, 2025) (on file with the Committee on Appropriations).

their state’s public postsecondary institutions, regardless of their immigration status.¹³⁶ There are nine states that block access to in-state tuition for undocumented students.¹³⁷

State and Federal Relations

The Legislature created the Office of State-Federal Relations in an effort for the legislative and executive branches of state government to work together to maximize the receipt of federal funds, and to strengthen the state’s relationship, position, and communication with the Federal Government.¹³⁸

The Office of State-Federal Relations is created within the Executive Office of the Governor and located in Washington D.C. The Governor must appoint the director, who will be the head of the Office of State-Federal Relations and who shall serve at the pleasure of the Governor. The duties of the Office of State-Federal Relations are to be determined by the Governor, in consultation with the President of the Senate and the Speaker of the House of Representatives, and must include, but need not be limited to:

- Provide legislative and administrative connection between state and federal officials and agencies and with Congress.
- Provide grants assistance and advice to state agencies.
- Assist in the development and implementation of strategies for the evaluation and management of the state’s federal legislative program and intergovernmental efforts.
- To facilitate the activities of Florida officials traveling to Washington, D.C., in the performance of their official duties.¹³⁹

III. Effect of Proposed Changes:

The bill, which shall be referred to as the “Tackling and Reforming Unlawful Migration Policy (TRUMP) Act,” makes numerous changes throughout the Florida Statutes to strengthen immigration coordination within the state and to increase state cooperation with federal immigration agencies. One of the most significant changes is creating the Office of State Immigration Enforcement within Division of Law Enforcement under the Department of Agriculture and Consumer Services.

Chief Immigration Officer and the Office of State Immigration Enforcement (Sections 3, 5, 7, 22, 23, 24, 29, 31, 41)

The bill amends s. 908.101, F.S., to provide legislative intent that designating a single state officer, the Commissioner of Agriculture, as the chief immigration officer is essential to facilitating coordination, assistance, and communication between the Federal Government, state entities, local governmental entities, and law enforcement agencies regarding the enforcement of federal immigration laws.

¹³⁶ National Immigration Law Center, *Basic Facts About In-State Tuition for Undocumented Immigrant Students*, available at <https://www.nilc.org/wp-content/uploads/2024/06/instate-tuition-basicfacts-2024-06-1-1.pdf>. (last visited January 26, 2025).

¹³⁷ Higher ED Immigration Portal, *States*, available at <https://www.higheredimmigrationportal.org/states/> (last visited January 22, 2025).

¹³⁸ Section 14.23, F.S.

¹³⁹ *Id.*

The bill amends s. 20.14, F.S., to create the Office of State Immigration Enforcement within the Division of Law Enforcement. The bill authorizes the DACS to establish bureaus and offices as deemed necessary to promote efficient and effective operation of the DACS.

The bill creates s. 19.55, F.S., to provide that the Commissioner of Agriculture is the chief immigration officer of the state and serves as the state's official liaison between the state agencies, local law enforcement agencies, and the Federal Government regarding the enforcement of federal immigration laws. It is the responsibility of the chief immigration officer to:

- Coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws and other matters related to the enforcement of federal immigration laws.
- Coordinate with and provide assistance to law enforcement agencies and monitor local government compliance with the requirements of ch. 908, F.S.
- Administer the Local Law Enforcement Immigration Grant Program.
- Regularly coordinate random audits to ensure compliance and enforcement of employment verification requirements.
- Provide recommendations regarding measures that may be implemented to improve assistance and coordination with the Federal Government in the enforcement of federal immigration laws to the Legislature.
- Report to the Legislature, no later than March 15, 2025, the number of vacant beds available in correctional facilities and county jails that can be sublet to the ICE.
- Serve as an "authorized state officer" under the Laken Riley Act, for purposes of having standing to bring an action against specified federal officials to obtain injunctive relief on behalf of the state and its residents.

The bill amends s. 908.102, F.S., to create definitions for ch. 908, F.S., for the chief immigration officer and the Office of State Immigration Enforcement.

The bill creates s. 908.1031, F.S., to provide the responsibilities and duties of the Office of State Immigration Enforcement. The purpose of the office is to aid the Commissioner of Agriculture in the commissioner's role as the chief immigration officer of the state by:

- Encouraging cooperation with the Federal Government to support the enforcement of federal immigration laws to the maximum extent permissible under federal law across the State of Florida.
- Serving as the central point of coordination between federal immigration agencies, state entities, local governmental entities, and law enforcement agencies regarding the enforcement of federal immigration laws.

The Office must coordinate the collection and dissemination of investigative and intelligence information to the Federal Government.

The Office must employ sworn law enforcement officers, nonsworn investigators, and administrative personnel. Such employees, when authorized by federal law, must aid local

governmental entities and law enforcement agencies in the investigation and enforcement of federal immigration laws.

Each law enforcement officer must meet the qualifications of a law enforcement officer as provided by law and must be certified as a law enforcement officer by the FDLE. Each law enforcement officer will have full law enforcement powers granted to other peace officers of the state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

By December 15 of each year, the office must submit a report to the Governor and the Legislature that may contain legislative recommendations and must detail the level of coordination and cooperation between specified entities and federal immigration agencies.

The Office serves as the state's relevant state law enforcement agency for any applicable Federal Homeland Security Task Force established under President Trump's Executive Order, Protecting the American People Against Invasion, issued on January 20, 2025.

The bill creates s. 908.13, F.S., to provide the chief immigration officer with the sole authority to issue a state of emergency related to illegal immigration, illegal migration, or immigration enforcement. Such authority is subject to similar requirements as that of emergency declarations by the Governor. These include:

- Authorizing the chief immigration officer may issue emergency orders, proclamations, and rules and may amend or rescind them. Such orders, proclamations, and rules have the force and effect of law.
- Limiting the duration of an emergency order, proclamation, or rule to not more than 60 days, while allowing renewal as necessary during the emergency. Authorizing the Legislature, at any time and by concurrent resolution to terminate a state of emergency or any specific order, proclamation, or rule thereunder.

During a declared state of emergency for illegal immigration, illegal migration, or immigration enforcement, the chief immigration officer must coordinate with and advise state and local law enforcement agencies for the purpose of securing compliance. The chief immigration officer, when deemed necessary to respond to immigration-related emergencies, must request assistance from the Governor for the activation and deployment of the Florida National Guard.

The bill makes corresponding changes in section 7 of the bill to amend s. 252.36, F.S., related to the Governor's emergency powers to exclude suspension of the immigration statutes amended by the bill related to the chief immigration officer and ch. 908, F.S.

The bill amends s. 908.107, F.S., to provide that the chief immigration officer may present evidence to the Governor that an executive or administrative state, county, or municipal officer has violated his or her duties under ch. 908, F.S., and recommend that the Governor take action using his or her authority under the State Constitution and state law.

Additionally, the bill authorizes the chief immigration officer to file suit against a local governmental entity or local law enforcement agency for declaratory or injunctive relief for a

violation of ch. 908, F.S. Current law provides that only the Attorney General may bring such suit.

The Office within the Division of Law Enforcement under the DACS is authorized and all conditions are deemed met, to adopt emergency rules to implement the creation of this act. Emergency rules adopted are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. This section expires July 1, 2026.

State Immigration Enforcement Council (Section 27)

The bill creates s. 908.1042, F.S., to create the State Immigration Enforcement Council within the Office for the purpose of advising the chief immigration officer.

The council at a minimum must be composed of seven sheriffs and four police chiefs appointed by the chief immigration officer, as well as the executive director of the FDLE. The chief immigration officer must appoint a sheriff to serve as chair of the council. Appointments to the council must be made by March 1, 2025. Any vacancies to the council must be filled within 2 weeks after such a vacancy. The Office must provide the council with the staff necessary to assist the council in the performance of its duties.

Membership of the council will not disqualify a member from holding any other public office or being employed by a public entity except that a member of the Legislature may not serve on the council. Members of the council must serve without compensation but are entitled to reimbursement for per diem and travel expenses.

The council must meet quarterly and additional meetings may be held at the discretion of the chair. The duties of the council include:

- Advising the chief immigration officer on the efforts of local law enforcement agencies related to the enforcement of federal immigration laws within the state.
- Providing recommendations on the financial resources necessary to aid local law enforcement agencies in the cooperation and coordination with the Federal Government.
- Providing recommendations to enhance information sharing between the state entities, local entities, law enforcement agencies, and the Federal Government in the enforcement of federal immigration laws within the state.
- Providing recommendations of any resources necessary to facilitate the training of local law enforcement agencies in the cooperation and coordination with the Federal Government and the enforcement of federal immigration laws.
- Providing recommendations on strategies to increase the number of available detention beds for use by the ICE.
- Analyze the information collected by the Office related to levels of cooperation and coordination and make recommendations to the chief immigration officer.

Local Law Enforcement Immigration Grant Program (Section 4)

The bill creates s. 19.56, F.S., to create the Local Law Enforcement Immigration Grant Program within the Office. The Office may award grants to support local law enforcement agencies cooperation and coordination with federal immigration agencies. The Office must annually

award any funds specifically appropriated for the grant program to reimburse expenses, including, but not limited to, the subletting of detention beds to the ICE, equipment, travel, lodging, and training programs to include certified apprenticeship programs, related to supporting the enforcement of federal immigration laws.

The Office must prescribe the procedure and application for the program. Grants must be awarded on a first-come, first-served basis. The Office must not duplicate benefits and grants may not be awarded to pay for any activity for which the local law enforcement agency has received or expects to receive federal or other funding. The bill appropriates \$100 million in nonrecurring general revenues funds to the Office to implement the grant program.

Employment (Sections 8, 15, 16, 17)

The bill transfers responsibilities related to employment verification from the DCM to the Office by amending ss. 448.09 and 448.095, F.S. The bill amends s. 448.09, F.S., related to prohibited employment by unauthorized aliens, and s. 448.095, F.S., related to E-Verify, to specify that the Office must notify the DCM if it finds or is notified that an employer has violated the provisions of the respective statutes. The bill amends s. 288.061, F.S., to make corresponding changes.

Related to any fines imposed by the Office for violations of the E-Verify law, the Office must deposit such fines into the General Inspection Trust Fund, and the bill retains the requirement that collected fines must be used for employer outreach and public notice of the state's employment verification laws.

The bill amends s. 480.0535, F.S., require the FDOH to also notify the chief immigration officer if a person operating a massage establishment, an employee, or any person performing massage therapy in a massage establishment fails to provide valid government identification.

Health Data (Section 14)

The bill amends s. 395.3027, F.S., to add the chief immigration officer within the DACS to the list of individuals to which the AHCA must submit a report. Additionally, the bill specifies that the report must consist of a consolidation of the quarterly reports of the prior calendar year and an executive summary of the data.

Immigration Enforcement (Sections 2, 30, 33, 34, 35, 36, 37, 40, 43, 44)

The bill amends s. 14.23, F.S., to specify that the Office of State-Federal Relations does not serve as a liaison between the state government and federal immigration agencies regarding federal immigration laws and matters directly related thereto. The Commissioner of Agriculture as the chief immigration officer is the exclusive liaison between the state government and federal immigration agencies regarding such matters. The Commissioner may appoint an employee of the DACS to work as an adjunct official with the Office of State-Federal Relations.

The bill provides that Executive Order 23-03, renewed by executive orders 23-49, 23-88, 23-134, 23-213, 23-245, 24-35, 24-74, 24-118, 24-173, 24-220 and 24-269, may not be renewed. Once the state of emergency expires, or but for early termination would have expired, the Governor

may not issue a subsequent state of emergency with respect to the same or substantially similar issue or circumstance.

The bill amends s. 1 of ch. 2023-3, L.O.F., to move the Unauthorized Alien Transport program from under the Division of Emergency Management within the Executive Office of the Governor to the Division of Law Enforcement under the DACS. Additionally, the Division of Law Enforcement must evaluate the effectiveness and value of the program in assisting coordination with the Federal Government and recommend to the Legislature by March 15, 2025, to make no changes or to continue or modify the program. The bill also appropriates \$10 million to this transferred program and immediately reverts the unexpended balance of funds for the existing program.

The bill amends s. 908.11, F.S., to specify that the sheriff or the chief correctional officer, rather than each law enforcement agency, must enter into specified written agreements. Additionally, beginning no later than April 1, 2025, and until each sheriff or chief correctional officer operating a county detention facility enters into such a written agreement, such sheriff or chief correctional officer must notify the Office quarterly of the status of such written agreement and any reason for noncompliance. Current law provides that each law enforcement agency must notify the FDLE.

The bill amends ss. 943.03 and 943.0311, F.S., to remove reference to the FDLE's responsibilities and duties relating to matters of immigration and provide that the FDLE, or the chief of domestic security, must coordinate with the Office or the chief immigration officer when providing assistance to the Federal Government in the enforcement of federal immigration laws.

The bill amends ss. 943.03101, 943.0312, and 943.0313, F.S., to remove reference to the FDLE's responsibilities and duties relating to matters of immigration.

Additionally, the bill provides that any interagency agreement, memorandum of understanding, or contract existing before the effective date of this act between the FDLE and any other agency related to the coordination or enforcement of federal immigration laws must continue as an agreement, memorandum, or contract for the remainder of its term with the DACS replacing the FDLE as a party.

Any administrative rules promulgated by the FDLE related to coordination with the Federal Government regarding federal immigration laws or the enforcement of federal immigration laws are transferred to the DACS.

Cooperation with Federal Government (Section 26)

The bill creates s. 908.1041, F.S., to provide that every state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government and any other public or private agency, person, partnership, corporation, or business entity contracted with or otherwise acting on behalf of any public agency has a duty and an obligation to cooperate to the fullest extent possible with the Federal Government in the enforcement of federal immigration laws and the protection of the borders of the U.S.

State entities and state law enforcement agencies must cooperate and coordinate with the Office at its request. Any communication with or coordination between a state entity and federal immigration agency concerning federal immigration laws or matters directly related thereto must occur through the Office. The chief immigration officer must approve, prior to execution, any interagency agreement, memorandum of understanding or contract, or any modification or amendment thereto, concerning federal immigration laws or matters directly related to such.

Any requests for assistance regarding federal immigration laws by a local governmental entity or a local law enforcement agency must be coordinated through the Office.

Criminal Law (Sections 6, 18, 19, 20, 21, 25, 28, 32, 42)

The bill amends s. 908.105, F.S., to provide that upon determining that an immigration detainer is made in accordance with s. 908.102(3), F.S., a law enforcement agency must comply with the request made in the immigration detainer.

Additionally, a law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency must notify the state attorney that the person is subject to an immigration detainer.

The bill amends s. 908.104, F.S., to provide that a sheriff or chief correctional officer operating a county detention facility must provide, upon request from a federal immigration agency, a list of all inmates booked into a county detention facility and any information regarding each inmate's immigration status.

Section 908.104(5), F.S., provides that a state entity, local governmental entity, or law enforcement agency is not required to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperates in the investigation or prosecution of such offense. The bill specifies that such a victim or witness must be necessary to the investigation or prosecution of such crime, and that such crime must occur in the U.S.

Section 908.104(8), F.S., provides that a state entity, local governmental entity, or law enforcement agency is not required to provide a federal immigration agency with information related to a necessary witness or victim of specified crimes. The bill specifies that the crime must occur in the U.S., and that documentation must be relied upon to verify that the person was a necessary witness or victim to the crime.

The bill makes legislative findings that the state's criminal justice training centers as well as facilities of the Department of Military Affairs, such as the Camp Blanding Joint Training Center, are highly qualified and critical strategic year-round assets for training. The Legislature has made significant investments to make Camp Blanding Joint Training Center the premier facility in the southeast. In order to support the anticipated training and operations involving multiple federal and state and local agencies and given the scale and value of this state's assets, the Department of Military Affairs and local law enforcement must work with the Office to ensure that the state's federal partners can access and use the state's physical assets in order to

further the nation's mission to address illegal immigration. Such activities include outreach to federal partnership as well as entering into agreements for the use of such facilities.

Criminal Penalties

The bill amends s. 775.0848, F.S., to reclassify misdemeanor crimes if such crime was committed after the person was convicted of unlawful reentry into the United States, pursuant to 8 U.S.C. s. 1326:

- A second-degree misdemeanor is reclassified to a first-degree misdemeanor.
- A first-degree misdemeanor is reclassified to a third-degree felony.

The bill creates s. 104.155, F.S., to provide that it is a third-degree felony for a person who is not who is not a citizen of the U.S. to willfully vote in any election. A person's ignorance of his or her citizenship status or a person's bona fide belief of his or her citizenship status cannot be raised as a defense in a prosecution.

Any person who aids or solicits another to commit the crime described above with knowledge that such person is not a citizen of the U.S., commits a third-degree felony.

The bill amends s. 895.02, F.S., to add aiding or soliciting a noncitizen in voting to the list of crimes that may constitute racketeering activity.

The bill amends s. 921.0022, F.S., to rank the third-degree felonies of unqualified noncitizen electors voting or aiding or soliciting noncitizen electors in voting is ranked as a level four offense in the offense severity ranking chart.

Pretrial Release

The bill amends s. 903.046, F.S., to provide that the court must consider a defendant's immigration status when determining whether to release a defendant on bail or other conditions, and what that bail or conditions may be.

The bill amends s. 907.041, F.S., to add immigration status to the list of circumstances that must be investigated or verified before a person may be released on nonmonetary conditions under the supervision of a pretrial release service.

The arresting agency must notify the state attorney of a person's immigration status when such person is arrested and charged with a crime for which pretrial detention could be ordered.

Driving (Sections 9, 10, 11, 12, 13)

The bill clarifies that proof of identity for driver licenses, titles, and registrations may include certain valid, unexpired passports. The bill amends ss. 319.001, 320.01, and 322.08, F.S., to create standard requirements. A "valid passport" is defined to mean:

- An unexpired passport or passport card issued by the U.S. government; or
- An unexpired passport issued by the government of another country with:
 - A stamp or mark affixed by the U.S. Department of Homeland Security onto the passport to evidence and authorize lawful presence in the United States; or

- An unexpired I-94, or current permanent resident card, or unexpired immigrant visa, issued by the United States Department of Homeland Security.

The bill also requires a person who becomes a U.S. citizen to obtain a replacement driver license within 30 days of becoming a citizen. The bill amends s. 322.19, F.S., to provide that a person who becomes a citizen of the United States after applying for or receiving a driver license must obtain a replacement license or card that reflects such change within 30 calendar days after making the change. The bill makes a corresponding amendment to s. 322.121, F.S., related to “safe driver” designations on licenses. The bill also updates the time period referenced in that statute from 10 days to 30 days to align with s. 322.19, F.S., which was updated in 2016.¹⁴⁰

Out-of-State Fee Waivers (38, 39)

The bill amends s. 1009.26, F.S., effective July 1, 2025, to specify that a student must be a citizen of the United States or lawfully present in the United States, in addition to the other conditions, in order to qualify for the out-of-state fee waiver at a Florida public postsecondary institution. Fewer students would therefore be eligible for the waiver, but the exact number of students is unknown.

In addition to new applications for fee waivers that must be evaluated based on the additional criteria in the bill, the bill also requires postsecondary institutions to, beginning July 1, 2025, reevaluate any student who is currently receiving the fee waiver to determine continued eligibility.

Appropriations (Sections 45, 46)

For the 2024-2025 fiscal year, the sums of \$20,562,630 in recurring funds and \$484,467,609 in nonrecurring funds are appropriated from the General Revenue Fund to the DACS to implement this act.

From the nonrecurring general revenue funds, \$100,000,000 must be allocated to implement the Local Law Enforcement Immigration Grant Program. The division is authorized to use \$3,750,000 of the funds for administrative costs associated with developing and implementing the grant program. The division must develop an implementation plan including procedures, administration, and criteria for approving grant applications. The implementation plan must be submitted to the Legislature no later than March 1, 2025. Upon approval of the implementation plan by the Legislature, the Chief Financial Officer must immediately release the balance of the funds to the division.

From the nonrecurring general revenue funds, \$375,000,000 must be allocated to implement specific recommendations from the DACS for use of the funds, which may include funds to support federal access to training facilities in this state; grants to local law enforcement to retain existing law enforcement officers or attract new officers; and grants to pay costs incurred by local law enforcement that were necessary for the full support and coordination with the Federal Government in the implantation and enforcement of federal immigration policies, including

¹⁴⁰ Section 60, ch. 2016-239, Laws of Fla.

training activities related to the federal program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. The DACS must develop a report of the recommendations including allocations of applicable costs and implementation plans. The report must be submitted to the Legislature by March 15, 2025. Upon approval of the report by concurrent resolution of the Legislature, the Chief Financial Officer must immediately release funds to the DACS.

The unexpended balance of funds provided in s. 229, ch. 2024-231, L.O.F., to the Executive Office of the Governor, Division of Emergency Management, must immediately revert. The unexpended balance is approximately \$5.6 million. For the 2024-2025 fiscal year, the nonrecurring sum of \$10,000,000 from the General Revenue Fund is appropriated to the Division of Law Enforcement within the DACS for the Unauthorized Alien Transport Program as amended by the bill.

Except as otherwise provided by this act, this act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Department of Agriculture and Consumer Services

The provisions of the bill relating to the Commissioner of Agriculture serving as the chief immigration officer and the creation of the Office of State Immigration Enforcement within the department will have a significant fiscal impact to the DACS. To address such impact, the bill provides the following appropriations to the DACS for the 2024-2025 fiscal year broken down as follows:

- \$20,562,630 in recurring funds from the General Revenue Fund:
 - \$898,592 to Executive Direction and Support Services.
 - \$19,664,038 to the Division of Law Enforcement/Office of State Immigration Enforcement.
 - Authorizes the DACS to establish 142 full-time equivalent positions with associated salary rate of 8,584,000 within the Division of Law Enforcement/Office of State Immigration Enforcement.
 - Authorizes the DACS to establish 7 full-time equivalent positions with associated salary rate of 550,000 within the Executive Direction and Support Services budget entity.
- \$484,467,609 in nonrecurring funds from the General Revenue Fund:
 - \$38,017 to Executive Direction and Support Services for expenses.
 - \$9,429,592 to the Division of Law Enforcement/Office of State Immigration Enforcement for expenses, contracted services, and other purchases.
 - \$100,000,000 to implement the Local Law Enforcement Immigration Grant Program.
 - \$375,000,000 to implement specific recommendations from the division/office for the use of the funds related to coordination with the Federal Government in the implementation and enforcement of federal immigration policies included within the division/office's report.

The unexpended balance of nonrecurring general revenue funds appropriated to the Division of Law Enforcement/Office of State Immigration Enforcement for expenses, contracted services, and other purchases remaining on June 30, 2025, reverts and is appropriated to the division for the 2025-2026 fiscal year for the same purpose.

The bill immediately reverts the unexpended balance of funds provided to the Division of Emergency Management, provided pursuant to s. 229, ch. 2024-231, Laws of Florida, to respond to unauthorized alien activities.

The bill appropriates for the 2024-2025 fiscal year the nonrecurring sum of \$10,000,000 from the General Revenue Fund to the Division of Law Enforcement within the DACS for the Unauthorized Alien Transport Program as amended by the bill.

Out-of-State Fee Waivers

The bill has an indeterminate, likely significant, revenue impact on state colleges and universities relating to the requirement that out-of-state fee waivers be granted only to

students who are citizens of the United States or lawfully present in the United States. The fiscal impact is indeterminate because it is difficult to identify the number of students who would be affected by the changes outlined in the bill. In addition, the revenue impact will also depend on the behavior of affected students. While the cumulative amount of the fee waivers was more than \$40 million in FY 2023-2024, it is not clear that institutions will receive that revenue with the changes to the fee waiver. Some students who are undocumented for federal immigration purposes may choose to pay the out-of-state fee while others may choose to withdraw from school. Therefore, institutions may experience an increase in fee revenue as students pay the out-of-state fees, or experience declines in fee revenue as those students decide to withdraw from school and are not replaced by other students.

Department of Corrections

The DOC may have a positive indeterminate impact on prison beds (unquantifiable increase in prison beds) due to the creation of a new crime and the increase in penalties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill grants the Office with rulemaking to implement several sections of the bill, including emergency rulemaking authority in order to quickly implement the provisions while regular administrative rules are adopted.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 14.23, 20.14, 252.36, 288.061, 319.001, 320.01, 322.08, 322.121, 322.19, 395.3027, 448.09, 448.095, 480.0535, 775.0848, 895.02, 903.046, 907.041, 908.101, 908.102, 908.104, 908.105, 908.107, 908.11, 921.0022, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, and 1009.26.

This bill contains eight undesignated sections of Florida Law.

This bill creates the following sections of the Florida Statutes: 19.55, 19.56, 104.155, 908.1031, 908.1041, 908.1042, and 908.13.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on January 27, 2025:

The committee substitute removes the provision stating each law enforcement officer in this state who is certified pursuant to ch. 943, F.S., has the same authority as law

enforcement officers under the Office of State Immigration Enforcement to enforce the laws as described in ch. 908, F.S., relating to federal immigration enforcement.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



676662

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2025	.	
	.	
	.	
	.	

The Committee on Appropriations (Smith (AP)) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1773 - 1775.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 138 - 140

and insert:

waivers; requiring that certain agreements and
contracts



499184

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2025	.	
	.	
	.	
	.	

The Committee on Appropriations (Gruters) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete lines 999 - 1002.



571852

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/27/2025	.	
	.	
	.	
	.	

The Committee on Appropriations (Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 1775 and 1776

insert:

Section 40. (1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study to evaluate the fiscal and economic impact of fee waivers provided pursuant to s. 1009.26(12), Florida Statutes. The study's scope must include, but need not be limited to:

(a) Qualitative and quantitative costs and benefits of



571852

11 providing such fee waivers to students who are undocumented for
12 federal immigration purposes.

13 (b) Qualitative and quantitative costs and benefits of
14 repealing or phasing out such fee waivers provided to students
15 who are undocumented for federal immigration purposes.

16 (2) OPPAGA shall submit a report on its findings to the
17 President of the Senate and the Speaker of the House of
18 Representatives by December 1, 2025.

19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 140

23 and insert:

24 date; requiring the Office of Program Policy Analysis
25 and Government Accountability to conduct a specified
26 study; specifying the scope of the study; requiring
27 the office to submit a report on the study to the
28 Legislature by a specified date; requiring certain
29 agreements and contracts to

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to immigration; providing a short
 3 title; amending s. 14.23, F.S.; providing that the
 4 Commissioner of Agriculture is the only person
 5 responsible for serving as liaison between certain
 6 entities regarding federal immigration laws;
 7 authorizing the Commissioner of Agriculture to appoint
 8 an employee to serve in a specific capacity; creating
 9 s. 19.55, F.S.; providing that the Commissioner of
 10 Agriculture is the chief immigration officer;
 11 providing responsibilities for such position; creating
 12 s. 19.56, F.S.; creating the Local Law Enforcement
 13 Immigration Grant Program within the Office of State
 14 Enforcement under the Department of Agriculture and
 15 Consumer Services for specified purposes; providing
 16 the process for awarding grants; prohibiting grants
 17 from being awarded for certain activities; requiring
 18 the office to adopt rules; amending s. 20.14, F.S.;
 19 revising the division structure within the Department
 20 of Agriculture and Consumer Services; authorizing the
 21 department to establish certain offices; creating s.
 22 104.155, F.S.; providing that certain persons who vote
 23 in an election are guilty of a felony; prohibiting
 24 certain defenses from being raised; providing that a
 25 person who takes certain actions with specified
 26 knowledge is guilty of a felony; providing penalties;
 27 amending s. 252.36, F.S.; providing construction;
 28 amending s. 288.061, F.S.; requiring the Department of
 29

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30 Commerce to take specified actions when notified of
 31 noncompliance with specified economic development
 32 incentive application requirements; amending ss.
 33 319.001 and 320.01, F.S.; defining the term "valid
 34 passport"; amending s. 322.08, F.S.; revising the
 35 types of documents that may be used as proof of
 36 identity for certain purposes; amending s. 322.121,
 37 F.S.; revising the exceptions to the prohibitions on a
 38 person being identified as a "Safe Driver"; revising
 39 the time period for making certain notifications to
 40 the department in order to be identified as a "Safe
 41 Driver"; amending s. 322.19, F.S.; requiring a person
 42 who has become a citizen of the United States to
 43 obtain specified replacement documents within a
 44 certain time; amending s. 395.3027, F.S.; revising
 45 reporting requirements related to patient immigration
 46 status; amending s. 448.09, F.S.; conforming
 47 provisions to changes made by the act; amending s.
 48 448.095, F.S.; revising the entities responsible for
 49 enforcing provisions relating to employment
 50 eligibility; revising the trust fund into which
 51 certain funds are deposited; amending s. 480.0535,
 52 F.S.; expanding the parties required to receive a
 53 certain notice related to massage establishments;
 54 amending s. 775.0848, F.S.; expanding the
 55 classification of crimes that may be reclassified in
 56 certain circumstances; amending s. 895.02, F.S.;
 57 revising the definition of the term "racketeering
 58 activity"; amending s. 903.046; expanding the criteria

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59 the court must consider when making bail
 60 determinations; amending s. 907.041, F.S.; expanding
 61 circumstances a pretrial release service must certify
 62 to the court; expanding the information required to be
 63 reported to a state attorney after an arrest; amending
 64 s. 908.101, F.S.; providing additional legislative
 65 findings; amending s. 908.102, F.S.; defining the
 66 terms "chief immigration officer" and "office";
 67 creating s. 908.1031, F.S.; creating the Office of
 68 State Immigration Enforcement within the Division of
 69 Law Enforcement under the Department of Agriculture
 70 and Consumer Services for specified purposes;
 71 requiring the office to employ certain personnel;
 72 providing powers, duties, and qualifications for such
 73 personnel; providing certain authority and powers of
 74 such personnel; providing reporting requirements;
 75 providing that the office serves a specified purpose;
 76 authorizing the office to adopt rules; amending s.
 77 908.104, F.S.; requiring specified parties to provide
 78 certain information to a federal immigration agency;
 79 expanding the criteria for receiving a certain
 80 exemption; revising applicability; creating s.
 81 908.1041, F.S.; requiring cooperation and coordination
 82 between specified entities in the enforcement of
 83 immigration laws; requiring the approval of the state
 84 immigration officer for certain actions related to
 85 agreements or contracts; creating s. 908.1042, F.S.;
 86 creating the State Immigration Enforcement Council;
 87 providing the purpose, membership, compensation,

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88 staff, meetings, and duties of the council;
 89 authorizing the Office of State Immigration
 90 Enforcement to adopt rules; amending s. 908.105, F.S.;
 91 providing requirements for law enforcement agencies
 92 that have custody of specified persons; amending s.
 93 908.107, F.S.; authorizing the chief immigration
 94 officer to present certain evidence to the Governor
 95 and make certain recommendations and to file suit
 96 against certain entities and agencies for a specified
 97 purpose; amending s. 908.11, F.S.; revising the
 98 entities required to enter into certain agreements
 99 with the United States Immigration and Customs
 100 Enforcement; requiring that entities that do not enter
 101 into such agreements by a specified date take certain
 102 actions; creating s. 908.13, F.S.; providing
 103 construction; authorizing the chief immigration
 104 officer to issue a state of emergency in specified
 105 circumstances; authorizing the issuance, amendment,
 106 and renewal of certain orders, proclamations, and
 107 rules that meet certain conditions; requiring
 108 emergency orders to be disseminated in a specified
 109 manner; requiring such orders be filed with specified
 110 parties; providing an exception; authorizing the
 111 Legislature to take certain actions relating to a
 112 state of emergency declared by the chief immigration
 113 officer; requiring the chief immigration officer to
 114 issue a certain order in specified circumstances;
 115 requiring certain declarations and orders be filed in
 116 a specified manner with the Division of Administrative

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117 Hearings; requiring the division to make all such
 118 declarations and orders available in a searchable
 119 format; requiring a certain link be placed on the
 120 Department of Agriculture and Consumer Services
 121 website; requiring the chief immigration officer take
 122 certain actions during a specified state of emergency;
 123 authorizing the chief immigration officer to request
 124 certain assistance during specified states of
 125 emergency; amending s. 921.0022, F.S.; ranking
 126 offenses created by the act on the offense severity
 127 ranking chart of the Criminal Punishment Code;
 128 amending s. 943.03, F.S.; requiring the Department of
 129 Law Enforcement to coordinate with the chief
 130 immigration officer for a certain purpose; amending s.
 131 943.03101, F.S.; conforming provisions to changes made
 132 by the act; amending s. 943.0311, F.S.; requiring the
 133 Chief of Domestic Security to coordinate with the
 134 chief immigration officer for a certain purpose;
 135 amending ss. 943.0312 and 943.0313, F.S.; conforming
 136 provisions to changes made by the act; amending s.
 137 1009.26, F.S.; revising eligibility for certain fee
 138 waivers; requiring students receiving such a waiver be
 139 reevaluated for eligibility beginning on a certain
 140 date; requiring certain agreements and contracts to
 141 replace one party with a specified entity; requiring
 142 the transfer of certain rules; authorizing the Office
 143 of State Immigration Enforcement to adopt emergency
 144 rules; providing requirements for such rules;
 145 providing legislative findings; requiring the

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146 Department of Military Affairs and local law
 147 enforcement to work with the Office of State
 148 Immigration Enforcement for a specified purpose;
 149 amending ch. 2023-3, Laws of Florida; conforming
 150 provisions to changes made by the act; requiring the
 151 Division of Law Enforcement to evaluate a specified
 152 program and make recommendations by a certain date;
 153 prohibiting the renewal or issuance of certain
 154 executive orders; providing appropriations;
 155 authorizing the establishment of certain positions;
 156 requiring the reversion of the unexpended balance of
 157 certain funds; providing for immediate release of
 158 specified funds; providing effective dates.

159
 160 WHEREAS, the United States has long welcomed immigrants to
 161 this country, and

162 WHEREAS, federal law provides many pathways for immigrants
 163 to become permanent lawful residents and citizens of the United
 164 States and to enter the country temporarily for work, education,
 165 and tourism, and

166 WHEREAS, the state welcomes lawful immigrants who love
 167 freedom, recognize the equality and intrinsic value and worth of
 168 all individuals, wish to follow the law, and who seek to
 169 contribute to our state's peace, security, cultural vibrancy,
 170 and prosperity, and

171 WHEREAS, the previous federal administration substantially
 172 ignored its duties under federal law to deter and prevent
 173 illegal immigration and remove illegal immigrants, and

174 WHEREAS, representatives of the previous federal

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175 administration repeatedly claimed the "border is secure,"
 176 despite the fact that millions of immigrants entered the United
 177 States illegally, outside of designated border crossings, and
 178 WHEREAS, illegal immigrants caught crossing the southwest
 179 border illegally included dangerous criminals on the terrorist
 180 watch list, some of whom were released into the United States by
 181 the previous federal administration, and
 182 WHEREAS, the open border policies of the previous federal
 183 administration have allowed drug cartels to smuggle massive
 184 amounts of illegal drugs, including fentanyl, across the border
 185 and into American communities, causing loss of American lives
 186 and dangerous, deadly situations for first responders, and
 187 WHEREAS, SM 1020 (2024) urged the federal government to
 188 designate drug cartels as foreign terrorist organizations, and
 189 WHEREAS, President Trump, in his executive order
 190 Designating Cartels and Other Organizations as Foreign Terrorist
 191 Organizations and Specially Designated Global Terrorists,
 192 implemented a policy to ensure the total elimination of these
 193 organizations' presence in the United States and their ability
 194 to threaten the territory, safety, and security of our country,
 195 and
 196 WHEREAS, instead of deterring and preventing illegal
 197 immigration, the previous federal administration and sanctuary
 198 jurisdictions invited, administered, and oversaw an
 199 unprecedented flood of illegal immigration into the United
 200 States, encouraging people to illegally cross the border,
 201 putting themselves in danger as well as allowing dangerous
 202 individuals to enter and commit crimes across the country at a
 203 high cost to the American people, and

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204 WHEREAS, the previous federal administration and sanctuary
 205 jurisdictions, through their actions incentivizing illegal entry
 206 into our county, caused great financial harm to the nation and
 207 communities, and
 208 WHEREAS, in response to the border crisis caused by the
 209 previous federal administration, the Florida Legislature passed
 210 enhanced state laws to combat illegal immigration, making
 211 Florida a national leader in fighting illegal immigration, and
 212 WHEREAS, SB 168 (2019) prohibited a state entity, local
 213 governmental entity, or law enforcement agency from having a
 214 sanctuary policy, and
 215 WHEREAS, SB 168 (2019) required a county correctional
 216 facility to enter into an agreement with a federal immigration
 217 agency for the payment of costs associated with housing and
 218 detaining defendants, and
 219 WHEREAS, SB 1718 (2023) helped to protect citizens from the
 220 financial costs of illegal immigration, competition in the labor
 221 force from illegal immigrants who drive down wages for citizens,
 222 and security risks created by some illegal immigrants and gangs
 223 of criminal illegal immigrants, and
 224 WHEREAS, SB 1718 (2023) increased criminal penalties for
 225 human-smuggling of children and persons the offender knew to
 226 have unlawfully entered the United States, and
 227 WHEREAS, SB 1718 (2023) required widespread use of E-Verify
 228 to deny employment to illegal immigrants who are not authorized
 229 to work in this country, and
 230 WHEREAS, SB 1718 (2023) increased penalties for using false
 231 identification documents to obtain employment, and
 232 WHEREAS, SB 1718 (2023) declared as invalid driver licenses

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233 issued by other states that did not require proof of lawful
 234 presence in the United States, and

235 WHEREAS, SB 1718 (2023) required persons in the custody of
 236 a law enforcement agency and subject to an immigration detainer
 237 to submit a DNA sample, and

238 WHEREAS, SB 1718 (2023) required the reporting of data to
 239 aid in the estimation of the cost of health care provided to
 240 illegal immigrants, and

241 WHEREAS, HB 1589 (2024) increased the criminal penalties
 242 for repeated offenses of driving without a valid driver license,
 243 and

244 WHEREAS, SB 1036 (2024) increased criminal penalties when
 245 people convicted of illegal reentry commit a felony or commit a
 246 crime that furthers the interests of a transnational crime
 247 organization, and

248 WHEREAS, HB 1451 (2024) and SB 1718 (2023) prohibited
 249 counties and municipalities from funding and accepting
 250 identification cards knowingly issued by organizations to
 251 individuals not lawfully present in the United States, and

252 WHEREAS, uninsured drivers increase the cost of auto
 253 insurance and a national survey indicated half of adult illegal
 254 immigrants drive without auto insurance, and

255 WHEREAS, the Department of Corrections estimated the cost
 256 to house 4,653 illegal immigrant inmates in 2023 exceeded \$143
 257 million, and

258 WHEREAS, according to the Department of Education, for the
 259 2022-2023 school year, there were 152,437 immigrant children
 260 enrolled in the public schools at a cost of approximately \$8,000
 261 per student, and

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262 WHEREAS, President Trump, within his first hours of office,
 263 issued several executive orders to protect American citizens and
 264 interests and secure the nation's borders, and

265 WHEREAS, the President of the United States has the
 266 authority under the Immigration and Nationality Act, as well as
 267 inherent authority under Article II of the Constitution, to
 268 prevent the physical entry of illegal aliens into the United
 269 States across the southern border, and

270 WHEREAS, President Trump declared the existence of a
 271 national emergency at the southern border of the United States
 272 and has declared his intent to take every lawful action at his
 273 disposal to address the crisis and take back control from the
 274 previous federal administration's abdication of its
 275 responsibility to enforce the border, and

276 WHEREAS, President Trump stated the policy of the United
 277 States is to secure the borders, and ordered the border be
 278 secured through various means, including federal-state
 279 partnerships with local law enforcement agencies to enforce
 280 federal immigration priorities, detaining and removing aliens
 281 apprehended for violations of immigration law, and ending the
 282 "catch-and-release" practices of previous administrations, and

283 WHEREAS, President Trump declared the new national
 284 direction for federal agencies to take all appropriate action to
 285 protect the public safety and national security interests of the
 286 American people by ensuring the successful enforcement of
 287 federal laws, including order of removal and stopping illegal
 288 entry, and

289 WHEREAS, President Trump has indicated his guarantee the
 290 federal government will take all appropriate steps to protect

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291 the American public against the invasion of unknown persons
 292 attempting to illegally enter the United States, and

293 WHEREAS, President Trump has ordered the federal laws
 294 related to the process of entry of migrants to be enforced,
 295 instead of ignored or side-stepped as in the previous
 296 administration, and such vigilant security and stringent
 297 verification will protect Americans and identify criminals or
 298 those intending harm before they ever are admitted or enter the
 299 United States, and

300 WHEREAS, on January 21, 2025, the new acting commandant of
 301 the United States Coast Guard directed operational commanders to
 302 immediately surge assets, including cutters, aircraft, boats,
 303 and specialized forces, to areas around this state to prevent a
 304 maritime mass migration from Haiti or Cuba and to detect and
 305 deter drug smuggling, and

306 WHEREAS, President Trump has suspended the U.S. Refugee
 307 Admissions Program to provide relief to small cities and towns
 308 which have seen significant influxes of migrants, and because
 309 American communities lack the ability to absorb large numbers of
 310 migrants, and in particular, refugees, in a manner that does not
 311 compromise the availability of resources for Americans, that
 312 protects American safety and security, and that ensures the
 313 appropriate assimilation of refugees, and

314 WHEREAS, the numerous executive orders entered by President
 315 Trump demonstrate the federal government will finally end
 316 policies detrimental to lawful citizens and will enforce the
 317 laws of this country to combat illegal immigration, protect
 318 victims of crimes committed by illegal immigrants, reduce cost
 319 burdens related to illegal aliens, including ending public

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320 benefits, and protect our borders, and

321 WHEREAS, it is necessary to detail immigration enforcement
 322 responsibilities in Florida law and to centralize those
 323 responsibilities in an agency having authority in civil,
 324 administrative, and criminal matters, and

325 WHEREAS, the Legislature finds it necessary to rigorously
 326 implement both the letter and spirit of President Trump's plan
 327 to secure our border, protect our state and national
 328 sovereignty, support Florida law enforcement, and affirm the
 329 federal government's responsibility over immigration, NOW,
 330 THEREFORE,

331 Be It Enacted by the Legislature of the State of Florida:

332
 333
 334 Section 1. This act may be cited as the "Tackling and
 335 Reforming Unlawful Migration Policy (TRUMP) Act".

336 Section 2. Paragraph (d) is added to subsection (2) of
 337 section 14.23, Florida Statutes, and subsection (3) of that
 338 section is amended, to read:

339 14.23 State-Federal relations.—

340 (2) CREATION OF THE OFFICE OF STATE-FEDERAL RELATIONS.—

341 (d) The office does not serve as a liaison between the
 342 state government and federal immigration agencies, as defined in
 343 s. 908.102, regarding federal immigration laws and matters
 344 directly related thereto. The Commissioner of Agriculture as the
 345 chief immigration officer is the exclusive liaison between the
 346 state government and federal immigration agencies regarding
 347 federal immigration laws and matters directly related thereto.
 348 The Commissioner of Agriculture, at his or her discretion, may

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349 appoint an employee of the Department of Agriculture and
 350 Consumer Services to work as an adjunct official to the office
 351 for the purpose of facilitating coordination between the state
 352 government and federal immigration agencies.

353 (3) COOPERATION.—For the purpose of centralizing the state-
 354 federal relations efforts of the state, state agencies and their
 355 representatives shall cooperate and coordinate their state-
 356 federal efforts and activities with the office, except as
 357 provided in paragraph (2) (d). State agencies which have
 358 representatives headquartered in Washington, D.C., are
 359 encouraged to station their representatives in the office.

360 Section 3. Section 19.55, Florida Statutes, is created to
 361 read:

362 19.55 Commissioner of Agriculture as chief immigration
 363 officer.—The Commissioner of Agriculture is the chief
 364 immigration officer of the state and serves as the state’s
 365 official liaison between state entities, local governmental
 366 entities, and law enforcement agencies and the Federal
 367 Government regarding the enforcement of federal immigration
 368 laws. It is the responsibility of the chief immigration officer
 369 to:

370 (1) Coordinate with and provide assistance to the Federal
 371 Government in the enforcement of federal immigration laws and
 372 other matters related to the enforcement of federal immigration
 373 laws.

374 (2) Coordinate with and provide assistance to law
 375 enforcement agencies, as defined in s. 908.102, in the
 376 enforcement of federal immigration laws and other matters
 377 related to the enforcement of such laws, and monitor local

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378 government compliance with the requirements of chapter 908.

379 (3) Administer the Local Law Enforcement Immigration Grant
 380 Program established in s. 19.56.

381 (4) Regularly coordinate random audits pursuant to s.
 382 448.095 to ensure compliance and enforcement.

383 (5) Provide recommendations regarding measures that may be
 384 implemented to improve cooperation and coordination with the
 385 Federal Government in the enforcement of federal immigration
 386 laws to the President of the Senate and the Speaker of the House
 387 of Representatives.

388 (6) No later than March 15, 2025, report to the President
 389 of the Senate and the Speaker of the House of Representatives
 390 the number of vacant beds available in state correctional
 391 institutions and facilities and county detention facilities that
 392 can be sublet to the United States Immigration and Customs
 393 Enforcement for use as detention beds. Operators of state
 394 correctional institutions and facilities and county detention
 395 facilities shall provide information requested by the chief
 396 immigration officer no later than March 1, 2025.

397 (7) Serve as an “authorized state officer” under the Laken
 398 Riley Act, S. 5, 119th Cong. (2025), for purposes of having
 399 standing to bring an action against specified federal officials
 400 to obtain injunctive relief on behalf of the state and its
 401 residents.

402 Section 4. Section 19.56, Florida Statutes, is created to
 403 read:

404 19.56 Local Law Enforcement Immigration Grant Program.—

405 (1) There is created in the Office of State Immigration
 406 Enforcement within the Division of Law Enforcement under the

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407 Department of Agriculture and Consumer Services the Local Law
 408 Enforcement Immigration Grant Program to award grants to support
 409 local law enforcement agencies, which include chief correctional
 410 officers operating county detention facilities, in their
 411 cooperation and coordination with federal immigration agencies,
 412 as defined in s. 908.102, in the enforcement of federal
 413 immigration laws.

414 (2) The office shall annually award any funds specifically
 415 appropriated for the grant program to reimburse expenses,
 416 including, but not limited to, subletting detention beds to the
 417 United States Immigration and Customs Enforcement, equipment,
 418 travel, lodging, and training programs to include certified
 419 apprenticeship programs, related to supporting the enforcement
 420 of federal immigration laws. The total amount of grants awarded
 421 may not exceed funding appropriated for the grant program.

422 (3) The office must prescribe the procedure and application
 423 for the program. Grants shall be awarded on a first-come, first-
 424 served basis based on the date the office received each
 425 completed application. In order to efficiently and effectively
 426 disburse the funds, the office shall not duplicate benefits and
 427 grants may not be awarded to pay for any activity for which the
 428 agency has received or expects to receive federal or other
 429 funding.

430 (4) The office shall adopt rules to implement this section.

431 Section 5. Subsections (2) and (3) of section 20.14,
 432 Florida Statutes, are amended to read:

433 20.14 Department of Agriculture and Consumer Services.—
 434 There is created a Department of Agriculture and Consumer
 435 Services.

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436 (2) The following units ~~divisions~~ of the Department of
 437 Agriculture and Consumer Services are established:

- 438 (a) Division of Administration.
- 439 (b) Division of Agricultural Environmental Services.
- 440 (c) Division of Animal Industry.
- 441 (d) Division of Aquaculture.
- 442 (e) Division of Consumer Services.
- 443 (f) Division of Food Safety.
- 444 (g) Division of Florida Forest Service.
- 445 (h) Division of Fruit and Vegetables.
- 446 (i) Division of Law Enforcement.

447 1. Office of Agriculture Law Enforcement.

448 2. Office of State Immigration Enforcement.

449 ~~(j)-(i)~~ Division of Licensing.

450 ~~(k)-(j)~~ Division of Marketing and Development.

451 ~~(l)-(k)~~ Division of Plant Industry.

452 ~~(m)-(l)~~ Division of Food, Nutrition, and Wellness.

453 (3) Notwithstanding s. 20.04(7)(b) and (c), the department
 454 may establish bureaus and offices ~~may be established~~ as deemed
 455 necessary to promote efficient and effective operation of the
 456 department, ~~pursuant to s. 20.04.~~

457 Section 6. Section 104.155, Florida Statutes, is created to
 458 read:

459 104.155 Unqualified noncitizen electors willfully voting;
 460 prohibited defenses; aiding or soliciting noncitizen electors in
 461 voting prohibited.—

462 (1) Any person who is not a qualified elector because he or
 463 she is not a citizen of the United States and who willfully
 464 votes in any election is guilty of a felony of the third degree,

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465 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 466 A person's ignorance of his or her citizenship status or a
 467 person's bona fide belief of his or her citizenship status
 468 cannot be raised as a defense in a prosecution for a violation
 469 of this subsection.

470 (2) Any person who aids or solicits another to violate
 471 subsection (1) with knowledge that such person is not a citizen
 472 of the United States is guilty of a felony of the third degree,
 473 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

474 Section 7. Paragraph (a) of subsection (6) of section
 475 252.36, Florida Statutes, is amended to read:

476 252.36 Emergency management powers of the Governor.—

477 (6) In addition to any other powers conferred upon the
 478 Governor by law, she or he may:

479 (a) Suspend the provisions of any regulatory statute
 480 prescribing the procedures for conduct of state business or the
 481 orders or rules of any state agency, if strict compliance with
 482 the provisions of any such statute, order, or rule would in any
 483 way prevent, hinder, or delay necessary action in coping with
 484 the emergency. However, nothing in this paragraph may be used to
 485 suspend any provision in s. 19.55 or s. 19.56 or in chapter 908.

486 Section 8. Subsection (6) of section 288.061, Florida
 487 Statutes, is amended to read:

488 288.061 Economic development incentive application
 489 process.—

490 (6) The Secretary of Commerce may not approve an economic
 491 development incentive application unless the application
 492 includes proof to the department that the applicant business is
 493 registered with and uses the E-Verify system, as defined in s.

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494 448.095, to verify the work authorization status of all newly
 495 hired employees. If the department is notified by the Office of
 496 State Immigration Enforcement within the Department of
 497 Agriculture and Consumer Services ~~determines~~ that an awardee is
 498 not complying with this subsection, the department must notify
 499 the awardee by certified mail of the ~~office's department's~~
 500 determination of noncompliance and the awardee's right to appeal
 501 the determination. Upon a final determination of noncompliance,
 502 the awardee must repay all moneys received as an economic
 503 development incentive to the department within 30 days after the
 504 final determination.

505 Section 9. Subsection (13) is added to section 319.001,
 506 Florida Statutes, to read:

507 319.001 Definitions.—As used in this chapter, the term:

508 (13) "Valid passport" means:

509 (a) An unexpired passport or passport card issued by the
 510 United States government; or

511 (b) An unexpired passport issued by the government of
 512 another country with:

513 1. A stamp or mark affixed by the United States Department
 514 of Homeland Security onto the passport to evidence and authorize
 515 lawful presence in the United States; or

516 2. An unexpired I-94, or current permanent resident card,
 517 or unexpired immigrant visa, issued by the United States
 518 Department of Homeland Security.

519 Section 10. Subsection (46) is added to section 320.01,
 520 Florida Statutes, to read:

521 320.01 Definitions, general.—As used in the Florida
 522 Statutes, except as otherwise provided, the term:

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523 (46) "Valid passport" means:

524 (a) An unexpired passport or passport card issued by the
 525 United States government; or

526 (b) An unexpired passport issued by the government of
 527 another country with:

528 1. A stamp or mark affixed by the United States Department
 529 of Homeland Security onto the passport to evidence and authorize
 530 lawful presence in the United States; or

531 2. An unexpired I-94, or current permanent resident card,
 532 or unexpired immigrant visa, issued by the United States
 533 Department of Homeland Security.

534 Section 11. Paragraph (c) of subsection (2) of section
 535 322.08, Florida Statutes, is amended to read:

536 322.08 Application for license; requirements for license
 537 and identification card forms.—

538 (2) Each such application shall include the following
 539 information regarding the applicant:

540 (c) Proof of identity satisfactory to the department. Such
 541 proof must include one of the following documents issued to the
 542 applicant:

543 1. A driver license record or identification card record
 544 from another jurisdiction that required the applicant to submit
 545 a document for identification which is substantially similar to
 546 a document required under subparagraph 2., subparagraph 3.,
 547 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 548 7., or subparagraph 8.;

549 2. A certified copy of a United States birth certificate;

550 3. A valid, unexpired United States passport or passport
 551 card;

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552 4. A naturalization certificate issued by the United States
 553 Department of Homeland Security;

554 5. A valid, unexpired alien registration receipt card
 555 (green card);

556 6. A Consular Report of Birth Abroad provided by the United
 557 States Department of State;

558 7. An unexpired employment authorization card issued by the
 559 United States Department of Homeland Security; or

560 8. Proof of nonimmigrant classification provided by the
 561 United States Department of Homeland Security, for an original
 562 driver license. In order to prove nonimmigrant classification,
 563 an applicant must provide at least one of the following
 564 documents. In addition, the department may require applicants to
 565 produce United States Department of Homeland Security documents
 566 for the sole purpose of establishing the maintenance of, or
 567 efforts to maintain, continuous lawful presence:

568 a. A notice of hearing from an immigration court scheduling
 569 a hearing on any proceeding.

570 b. A notice from the Board of Immigration Appeals
 571 acknowledging pendency of an appeal.

572 c. A notice of the approval of an application for
 573 adjustment of status issued by the United States Citizenship and
 574 Immigration Services.

575 d. An official documentation confirming the filing of a
 576 petition for asylum or refugee status or any other relief issued
 577 by the United States Citizenship and Immigration Services.

578 e. A notice of action transferring any pending matter from
 579 another jurisdiction to this state issued by the United States
 580 Citizenship and Immigration Services.

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581 f. An order of an immigration judge or immigration officer
582 granting relief that authorizes the alien to live and work in
583 the United States, including, but not limited to, asylum.

584 g. Evidence that an application is pending for adjustment
585 of status to that of an alien lawfully admitted for permanent
586 residence in the United States or conditional permanent resident
587 status in the United States, if a visa number is available
588 having a current priority date for processing by the United
589 States Citizenship and Immigration Services.

590 h. ~~On or after January 1, 2010,~~ An unexpired foreign
591 passport issued by the government of another country with:

592 (I) A stamp or mark affixed by the United States Department
593 of Homeland Security onto the passport to evidence and authorize
594 lawful presence in the United States; or

595 (II) An unexpired United States Visa affixed, accompanied
596 by an approved I-94, or current permanent resident card, or
597 unexpired immigrant visa, issued by the United States Department
598 of Homeland Security documenting the most recent admittance into
599 the United States.

600

601 A driver license or temporary permit issued based on documents
602 required in subparagraph 7. or subparagraph 8. is valid for a
603 period not to exceed the expiration date of the document
604 presented or 1 year.

605 Section 12. Paragraph (e) of subsection (2) of section
606 322.121, Florida Statutes, is amended to read:

607 322.121 Periodic reexamination of all drivers.—

608 (2) For each licensee whose driving record does not show
609 any revocations, disqualifications, or suspensions for the

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610 preceding 7 years or any convictions for the preceding 3 years
611 except for convictions of the following nonmoving violations:

612 (e) Failure to notify the department of a change of
613 address, ~~or~~ name, or United States citizenship status within 30
614 ~~10~~ days pursuant to s. 322.19,

615

616 the department shall cause such licensee's license to be
617 prominently marked with the notation "Safe Driver."

618 Section 13. Section 322.19, Florida Statutes, is amended to
619 read:

620 322.19 Change of address, ~~or~~ name, or citizenship status.—

621 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
622 944.607, and 985.4815, whenever any person, after applying for
623 or receiving a driver license or identification card, changes
624 his or her legal name, that person must within 30 days
625 thereafter obtain a replacement license or card that reflects
626 the change.

627 (2) If a person, after applying for or receiving a driver
628 license or identification card, changes the legal residence or
629 mailing address in the application, license, or card, the person
630 must, within 30 calendar days after making the change, obtain a
631 replacement license or card that reflects the change. A written
632 request to the department must include the old and new addresses
633 and the driver license or identification card number. Any person
634 who has a valid, current student identification card issued by
635 an educational institution in this state is presumed not to have
636 changed his or her legal residence or mailing address. This
637 subsection does not affect any person required to register a
638 permanent or temporary address change pursuant to s. 775.13, s.

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639 775.21, s. 775.25, or s. 943.0435.

640 (3) If a person, after applying for or receiving a driver
 641 license or identification card, becomes a citizen of the United
 642 States, such person must, within 30 calendar days after making
 643 the change, obtain a replacement license or card that reflects
 644 such change.

645 ~~(4)(3)~~ A violation of this section is a nonmoving violation
 646 with a penalty as provided in s. 318.18(2).

647 ~~(5)(4)~~ Notwithstanding any other provision of this chapter,
 648 if a licensee established his or her identity for a driver
 649 license using an identification document authorized under s.
 650 322.08(2)(c)7. or 8., the licensee may not change his or her
 651 name or address except in person and upon submission of an
 652 identification document authorized under s. 322.08(2)(c)7. or 8.

653 Section 14. Subsection (3) of section 395.3027, Florida
 654 Statutes, is amended to read:

655 395.3027 Patient immigration status data collection.—

656 (3) By March 1 of each year, the agency shall submit a
 657 report to the Governor, the chief immigration officer within the
 658 Department of Agriculture and Consumer Services, the President
 659 of the Senate, and the Speaker of the House of Representatives.
 660 The report shall consist of a consolidation of the quarterly
 661 reports of the prior calendar year and an executive summary of
 662 the data which includes the total number of hospital admissions
 663 and emergency department visits for the previous calendar year
 664 for which the patient or patient's representative reported that
 665 the patient was a citizen of the United States or lawfully
 666 present in the United States, was not lawfully present in the
 667 United States, or declined to answer. The report must also

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668 describe information relating to the costs of uncompensated care
 669 for aliens who are not lawfully present in the United States,
 670 the impact of uncompensated care on the cost or ability of
 671 hospitals to provide services to the public, hospital funding
 672 needs, and other related information.

673 Section 15. Subsections (2), (3), and (4) of section
 674 448.09, Florida Statutes, are amended to read:

675 448.09 Unauthorized aliens; employment prohibited.—

676 (2) If the Office of State Immigration Enforcement within
 677 the Department of Agriculture and Consumer Services ~~Commeree~~
 678 finds or is notified by an entity specified in s. 448.095(3)(a)
 679 that an employer has knowingly employed an unauthorized alien
 680 without verifying the employment eligibility of such person, the
 681 ~~office department~~ must notify the Department of Commerce, which
 682 must enter an order pursuant to chapter 120 making such
 683 determination and require repayment of any economic development
 684 incentive pursuant to s. 288.061(6).

685 (3) For a violation of this section, the Office of State
 686 Immigration Enforcement ~~department~~ shall place the employer on
 687 probation for a 1-year period and require that the employer
 688 report quarterly to the ~~office department~~ to demonstrate
 689 compliance with the requirements of subsection (1) and s.
 690 448.095.

691 (4) Any violation of this section which takes place within
 692 24 months after a previous violation constitutes grounds for the
 693 suspension or revocation of all licenses issued by a licensing
 694 agency subject to chapter 120. The Office of State Immigration
 695 Enforcement ~~department~~ shall take the following actions for a
 696 violation involving:

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697 (a) One to ten unauthorized aliens, suspension of all
698 applicable licenses held by a private employer for up to 30 days
699 by the respective agencies that issued them.

700 (b) Eleven to fifty unauthorized aliens, suspension of all
701 applicable licenses held by a private employer for up to 60 days
702 by the respective agencies that issued them.

703 (c) More than fifty unauthorized aliens, revocation of all
704 applicable licenses held by a private employer by the respective
705 agencies that issued them.

706 Section 16. Paragraph (a) of subsection (3) and subsection
707 (6) of section 448.095, Florida Statutes, are amended to read:

708 448.095 Employment eligibility.—

709 (3) ENFORCEMENT.—

710 (a) For the purpose of enforcement of this section, any of
711 the following persons or entities may request, and an employer
712 must provide, copies of any documentation relied upon by the
713 employer for the verification of a new employee's employment
714 eligibility:

715 1. The Office of State Immigration Enforcement within the
716 Department of Agriculture and Consumer Services Law Enforcement;

717 2. The Attorney General;

718 3. The state attorney in the circuit in which the new
719 employee works; or

720 4. The statewide prosecutor; ~~or~~

721 ~~5. The Department of Commerce.~~

722 (6) COMPLIANCE.—

723 (a) ~~In addition to the requirements under s. 288.061(6),~~
724 ~~beginning on July 1, 2024,~~ If the Office of State Immigration
725 Enforcement Department of Commerce determines that an employer

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726 failed to use the E-Verify system to verify the employment
727 eligibility of employees as required under this section, the
728 ~~office department~~ must notify the employer of the office's
729 ~~department's~~ determination of noncompliance and provide the
730 employer with 30 days to cure the noncompliance. The office must
731 also provide notice to the Department of Commerce, which shall
732 take action pursuant to s. 288.061(6).

733 (b) If the Office of State Immigration Enforcement
734 ~~Department of Commerce~~ determines that an employer failed to use
735 the E-Verify system as required under this section three times
736 in any 24-month period, the office department must impose a fine
737 of \$1,000 per day until the employer provides sufficient proof
738 to the office department that the noncompliance is cured.
739 Noncompliance constitutes grounds for the suspension of all
740 licenses issued by a licensing agency subject to chapter 120
741 until the noncompliance is cured.

742 (c) Fines collected under this subsection must be deposited
743 into the General Inspection State Economic Enhancement and
744 Development Trust Fund for use by the Office of State
745 Immigration Enforcement department for employer outreach and
746 public notice of the state's employment verification laws.

747 Section 17. Subsection (4) of section 480.0535, Florida
748 Statutes, is amended to read:

749 480.0535 Documents required while working in a massage
750 establishment; penalties; reporting.—

751 (4) The department shall notify a federal immigration
752 office and the chief immigration officer within the Department
753 of Agriculture and Consumer Services if a person operating a
754 massage establishment, an employee, or any person performing

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755 massage therapy in a massage establishment fails to provide
756 valid government identification as required under this section.

757 Section 18. Section 775.0848, Florida Statutes, is amended
758 to read:

759 775.0848 Commission of a misdemeanor or felony after
760 unlawful reentry into the United States; reclassification.—A
761 person who has been previously convicted of a crime relating to
762 the reentry of removed aliens under 8 U.S.C. s. 1326 shall have
763 the penalty for committing a misdemeanor or felony committed
764 after such conviction reclassified in the following manner:

765 (1) A misdemeanor of the second degree is reclassified to a
766 misdemeanor of the first degree.

767 (2) A misdemeanor of the first degree is reclassified to a
768 felony of the third degree.

769 (3)(1) A felony of the third degree is reclassified to a
770 felony of the second degree.

771 (4)(2) A felony of the second degree is reclassified to a
772 felony of the first degree.

773 (5)(3) A felony of the first degree is reclassified to a
774 life felony.

775 Section 19. Subsection (8) of section 895.02, Florida
776 Statutes, is amended to read:

777 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

778 (8) "Racketeering activity" means to commit, to attempt to
779 commit, to conspire to commit, or to solicit, coerce, or
780 intimidate another person to commit:

781 (a) Any crime that is chargeable by petition, indictment,
782 or information under the following provisions of the Florida
783 Statutes:

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784 1. Section 104.155(2), relating to aiding or soliciting a
785 noncitizen in voting.

786 2.4 Section 210.18, relating to evasion of payment of
787 cigarette taxes.

788 3.2 Section 316.1935, relating to fleeing or attempting to
789 elude a law enforcement officer and aggravated fleeing or
790 eluding.

791 4.3 Chapter 379, relating to the illegal sale, purchase,
792 collection, harvest, capture, or possession of wild animal life,
793 freshwater aquatic life, or marine life, and related crimes.

794 5.4 Section 403.727(3)(b), relating to environmental
795 control.

796 6.5 Section 409.920 or s. 409.9201, relating to Medicaid
797 fraud.

798 7.6 Section 414.39, relating to public assistance fraud.

799 8.7 Section 440.105 or s. 440.106, relating to workers'
800 compensation.

801 9.8 Section 443.071(4), relating to creation of a
802 fictitious employer scheme to commit reemployment assistance
803 fraud.

804 10.9 Section 465.0161, relating to distribution of
805 medicinal drugs without a permit as an Internet pharmacy.

806 11.10 Section 499.0051, relating to crimes involving
807 contraband, adulterated, or misbranded drugs.

808 12.11 Part IV of chapter 501, relating to telemarketing.

809 13.12 Chapter 517, relating to sale of securities and
810 investor protection.

811 14.13 Section 550.235 or s. 550.3551, relating to
812 dogracing and horseracing.

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813 ~~15.14.~~ Chapter 550, relating to jai alai frontons.
 814 ~~16.15.~~ Section 551.109, relating to slot machine gaming.
 815 ~~17.16.~~ Chapter 552, relating to the manufacture,
 816 distribution, and use of explosives.
 817 ~~18.17.~~ Chapter 560, relating to money transmitters, if the
 818 violation is punishable as a felony.
 819 ~~19.18.~~ Chapter 562, relating to beverage law enforcement.
 820 ~~20.19.~~ Section 624.401, relating to transacting insurance
 821 without a certificate of authority, s. 624.437(4)(c)1., relating
 822 to operating an unauthorized multiple-employer welfare
 823 arrangement, or s. 626.902(1)(b), relating to representing or
 824 aiding an unauthorized insurer.
 825 ~~21.20.~~ Section 655.50, relating to reports of currency
 826 transactions, when such violation is punishable as a felony.
 827 ~~22.21.~~ Chapter 687, relating to interest and usurious
 828 practices.
 829 ~~23.22.~~ Section 721.08, s. 721.09, or s. 721.13, relating to
 830 real estate timeshare plans.
 831 ~~24.23.~~ Section 775.13(5)(b), relating to registration of
 832 persons found to have committed any offense for the purpose of
 833 benefiting, promoting, or furthering the interests of a criminal
 834 gang.
 835 ~~25.24.~~ Section 777.03, relating to commission of crimes by
 836 accessories after the fact.
 837 ~~26.25.~~ Chapter 782, relating to homicide.
 838 ~~27.26.~~ Chapter 784, relating to assault and battery.
 839 ~~28.27.~~ Chapter 787, relating to kidnapping, human
 840 smuggling, or human trafficking.
 841 ~~29.28.~~ Chapter 790, relating to weapons and firearms.

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842 ~~30.29.~~ Chapter 794, relating to sexual battery, but only if
 843 such crime was committed with the intent to benefit, promote, or
 844 further the interests of a criminal gang, or for the purpose of
 845 increasing a criminal gang member's own standing or position
 846 within a criminal gang.
 847 ~~31.30.~~ Former s. 796.03, former s. 796.035, s. 796.04, s.
 848 796.05, or s. 796.07, relating to prostitution.
 849 ~~32.31.~~ Chapter 806, relating to arson and criminal
 850 mischief.
 851 ~~33.32.~~ Chapter 810, relating to burglary and trespass.
 852 ~~34.33.~~ Chapter 812, relating to theft, robbery, and related
 853 crimes.
 854 ~~35.34.~~ Chapter 815, relating to computer-related crimes.
 855 ~~36.35.~~ Chapter 817, relating to fraudulent practices, false
 856 pretenses, fraud generally, credit card crimes, and patient
 857 brokering.
 858 ~~37.36.~~ Chapter 825, relating to abuse, neglect, or
 859 exploitation of an elderly person or disabled adult.
 860 ~~38.37.~~ Section 827.071, relating to commercial sexual
 861 exploitation of children.
 862 ~~39.38.~~ Section 828.122, relating to fighting or baiting
 863 animals.
 864 ~~40.39.~~ Chapter 831, relating to forgery and counterfeiting.
 865 ~~41.40.~~ Chapter 832, relating to issuance of worthless
 866 checks and drafts.
 867 ~~42.41.~~ Section 836.05, relating to extortion.
 868 ~~43.42.~~ Chapter 837, relating to perjury.
 869 ~~44.43.~~ Chapter 838, relating to bribery and misuse of
 870 public office.

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871 ~~45.44.~~ Chapter 843, relating to obstruction of justice.
 872 ~~46.45.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 873 or s. 847.07, relating to obscene literature and profanity.
 874 ~~47.46.~~ Chapter 849, relating to gambling, lottery, gambling
 875 or gaming devices, slot machines, or any of the provisions
 876 within that chapter.
 877 ~~48.47.~~ Chapter 874, relating to criminal gangs.
 878 ~~49.48.~~ Chapter 893, relating to drug abuse prevention and
 879 control.
 880 ~~50.49.~~ Chapter 896, relating to offenses related to
 881 financial transactions.
 882 ~~51.50.~~ Sections 914.22 and 914.23, relating to tampering
 883 with or harassing a witness, victim, or informant, and
 884 retaliation against a witness, victim, or informant.
 885 ~~52.51.~~ Sections 918.12 and 918.13, relating to tampering
 886 with jurors and evidence.
 887 Section 20. Paragraph (c) of subsection (2) of section
 888 903.046, Florida Statutes, is amended to read:
 889 903.046 Purpose of and criteria for bail determination.—
 890 (2) When determining whether to release a defendant on bail
 891 or other conditions, and what that bail or those conditions may
 892 be, the court shall consider:
 893 (c) The defendant's family ties, length of residence in the
 894 community, employment history, financial resources, ~~and~~ mental
 895 condition, and immigration status.
 896 Section 21. Paragraph (b) of subsection (3) and paragraph
 897 (e) of subsection (5) of section 907.041, Florida Statutes, are
 898 amended to read:
 899 907.041 Pretrial detention and release.—

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900 (3) RELEASE ON NONMONETARY CONDITIONS.—
 901 (b) No person shall be released on nonmonetary conditions
 902 under the supervision of a pretrial release service, unless the
 903 service certifies to the court that it has investigated or
 904 otherwise verified:
 905 1. The circumstances of the accused's family, employment,
 906 financial resources, character, mental condition, immigration
 907 status, and length of residence in the community;
 908 2. The accused's record of convictions, of appearances at
 909 court proceedings, of flight to avoid prosecution, or of failure
 910 to appear at court proceedings; and
 911 3. Other facts necessary to assist the court in its
 912 determination of the indigency of the accused and whether she or
 913 he should be released under the supervision of the service.
 914 (5) PRETRIAL DETENTION.—
 915 (e) When a person charged with a crime for which pretrial
 916 detention could be ordered is arrested, the arresting agency
 917 shall promptly notify the state attorney of the arrest and shall
 918 provide the state attorney with such information as the
 919 arresting agency has obtained relative to:
 920 1. The nature and circumstances of the offense charged;
 921 2. The nature of any physical evidence seized and the
 922 contents of any statements obtained from the defendant or any
 923 witness;
 924 3. The defendant's family ties, residence, employment,
 925 financial condition, ~~and~~ mental condition, and immigration
 926 status; and
 927 4. The defendant's past conduct and present conduct,
 928 including any record of convictions, previous flight to avoid

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929 prosecution, or failure to appear at court proceedings.

930 Section 22. Section 908.101, Florida Statutes, is amended
931 to read:

932 908.101 Legislative findings and intent.—

933 (1) The Legislature finds that it is an important state
934 interest to cooperate and assist the Federal Government in the
935 enforcement of federal immigration laws within this state.

936 (2) The Legislature further finds that designating a single
937 state officer, the Commissioner of Agriculture, as the chief
938 immigration officer is essential to facilitating coordination,
939 assistance, and communication between the Federal Government,
940 state entities, local governmental entities, and law enforcement
941 agencies regarding the enforcement of federal immigration laws.

942 Section 23. Subsections (1) through (5) and subsections (6)
943 and (7) of section 908.102, Florida Statutes, are renumbered as
944 subsections (2) through (6) and subsections (8) and (9),
945 respectively, and new subsections (1) and (7) are added to that
946 section to read:

947 908.102 Definitions.—As used in this chapter, the term:

948 (1) "Chief immigration officer" means the chief immigration
949 officer as described in s. 19.55.

950 (7) "Office" means the Office of State Immigration
951 Enforcement established within the Division of Law Enforcement
952 under the Department of Agriculture and Consumer Services.

953 Section 24. Section 908.1031, Florida Statutes, is created
954 to read:

955 908.1031 Office of State Immigration Enforcement; creation;
956 purpose and duties.—

957 (1) The Office of State Immigration Enforcement is

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958 established within the Division of Law Enforcement under the
959 Department of Agriculture and Consumer Services. The purpose of
960 the office is to aid the Commissioner of Agriculture in the
961 commissioner's role as the chief immigration officer of the
962 state by:

963 (a) Encouraging cooperation by state entities, local
964 governmental entities, and law enforcement agencies with the
965 Federal Government to support the enforcement of federal
966 immigration laws to the maximum extent permissible under federal
967 law across the State of Florida.

968 (b) Serving as the central point of coordination between
969 federal immigration agencies, state entities, local governmental
970 entities, and law enforcement agencies regarding the enforcement
971 of federal immigration laws.

972 (2) The office shall facilitate the collection and
973 dissemination of investigative and intelligence information to
974 the Federal Government.

975 (3) The office shall employ sworn law enforcement officers,
976 nonsworn investigators, and administrative personnel. Such
977 employees, when authorized by federal law, must aid local
978 governmental entities and law enforcement agencies in the
979 investigation and enforcement of federal immigration laws. The
980 positions and resources necessary for the office to accomplish
981 its duties shall be established through and subject to the
982 legislative appropriations process.

983 (4) (a) Each law enforcement officer shall meet the
984 qualifications of law enforcement officers under s. 943.13 and
985 shall be certified as a law enforcement officer by the
986 Department of Law Enforcement under the provisions of chapter

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987 943. Upon certification, each law enforcement officer is subject
 988 to and shall have the same arrest and other authority provided
 989 for law enforcement officers generally in chapter 901 and shall
 990 have statewide jurisdiction. Each officer shall also have arrest
 991 authority as provided for state law enforcement officers in s.
 992 901.15. Such officers have full law enforcement powers granted
 993 to other peace officers of this state, including the authority
 994 to make arrests, carry firearms, serve court process, and seize
 995 contraband and the proceeds of illegal activities.

996 (b) All law enforcement officers of the office, upon
 997 certification under s. 943.1395, shall have the same right and
 998 authority to carry arms as do the sheriffs of this state.

999 (c) Each law enforcement officer in the state who is
 1000 certified pursuant to chapter 943 has the same authority as law
 1001 enforcement officers designated in this section to enforce the
 1002 laws of this state as described in this chapter.

1003 (5) By December 15 of each year, the office shall submit a
 1004 report to the Governor, the President of the Senate, and the
 1005 Speaker of the House of Representatives. The report may contain
 1006 recommendations to the Legislature to improve the state's
 1007 cooperation and coordination with the Federal Government in the
 1008 enforcement of federal immigration laws within this state. The
 1009 report must detail the level of cooperation and coordination
 1010 between the following entities and federal immigration agencies:

1011 (a) State entities.

1012 (b) Local governmental entities.

1013 (c) Law enforcement agencies.

1014 (6) The office serves as a relevant state law enforcement
 1015 agency for any applicable Federal Homeland Security Task Force

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1016 established under President Trump's Executive Order, Protecting
 1017 the American People Against Invasion, issued on January 20,
 1018 2025.

1019 (7) The office may adopt rules to implement this section.

1020 Section 25. Subsections (5) through (8) of section 908.104,
 1021 Florida Statutes, are renumbered as subsections (6) through (9),
 1022 respectively, present subsections (5), (6), and (8) are amended,
 1023 and a new subsection (5) is added to that section, to read:

1024 908.104 Cooperation with federal immigration authorities.—

1025 (5) Upon request from a federal immigration agency, a
 1026 sheriff or chief correctional officer operating a county
 1027 detention facility must provide the requesting federal
 1028 immigration agency a list of all inmates booked into a county
 1029 detention facility and any information regarding each inmate's
 1030 immigration status.

1031 (6) ~~(5)~~ This section does not require a state entity, local
 1032 governmental entity, or law enforcement agency to provide a
 1033 federal immigration agency with information related to a victim
 1034 of or a witness to a criminal offense if:

1035 (a) The victim or witness is necessary to the investigation
 1036 or prosecution of a crime, and such crime occurred in the United
 1037 States; and

1038 (b) The victim or witness timely and in good faith responds
 1039 to the entity's or agency's request for information and
 1040 cooperates ~~cooperation~~ in the investigation or prosecution of
 1041 such ~~the~~ offense.

1042 (7) ~~(6)~~ A state entity, local governmental entity, or law
 1043 enforcement agency that, pursuant to subsection (6) ~~(5)~~,
 1044 withholds information regarding the immigration information of a

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1045 victim of or witness to a criminal offense shall document the
 1046 victim's or witness's cooperation in the entity's or agency's
 1047 investigative records related to the offense and shall retain
 1048 the records for at least 10 years for the purpose of audit,
 1049 verification, or inspection by the Auditor General.

1050 ~~(9)(8)~~ This section does not apply to any alien unlawfully
 1051 present in the United States if he or she is or has been a
 1052 necessary witness or victim of a crime of domestic violence,
 1053 rape, sexual exploitation, sexual assault, murder, manslaughter,
 1054 assault, battery, human trafficking, kidnapping, false
 1055 imprisonment, involuntary servitude, fraud in foreign labor
 1056 contracting, blackmail, extortion, or witness tampering,
 1057 provided that such crime was committed in the United States.
 1058 Documentation, including, but not limited to, police reports,
 1059 testimony, sworn statements, or a victim impact statement, must
 1060 be relied upon to verify that the person was a necessary witness
 1061 or victim to the crime.

1062 Section 26. Section 908.1041, Florida Statutes, is created
 1063 to read:

1064 908.1041 Cooperation between public entities to enforce
 1065 federal immigration laws.-

1066 (1) Every state, county, district, authority, or municipal
 1067 officer, department, division, board, bureau, commission, or
 1068 other separate unit of government and any other public or
 1069 private agency, person, partnership, corporation, or business
 1070 entity contracted with or otherwise acting on behalf of any
 1071 public agency has a duty and an obligation to cooperate to the
 1072 fullest extent possible with the Federal Government in the
 1073 enforcement of federal immigration laws and the protection of

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1074 the borders of the United States.

1075 (2) State entities and state law enforcement agencies must
 1076 cooperate and coordinate with the office at its request
 1077 concerning federal immigration laws or matters directly related
 1078 thereto. Any communication with or coordination between a state
 1079 entity and a federal immigration agency concerning such laws or
 1080 matters must occur through the office. Any interagency
 1081 agreement, memorandum of understanding, or contract, or any
 1082 modification or amendment to such agreement, memorandum, or
 1083 contract, concerning federal immigration laws or matters
 1084 directly related thereto between a federal immigration agency
 1085 and a state entity or state law enforcement agency must be
 1086 approved by the chief immigration officer before execution.

1087 (3) If a local governmental entity or local law enforcement
 1088 agency requests assistance regarding federal immigration laws
 1089 from a state entity or state law enforcement agency, that local
 1090 governmental entity or local law enforcement agency must
 1091 coordinate the request through the office.

1092 Section 27. Section 908.1042, Florida Statutes, is created
 1093 to read:

1094 908.1042 State Immigration Enforcement Council.-The State
 1095 Immigration Enforcement Council is created within the office for
 1096 the purpose of advising the chief immigration officer.

1097 (1) MEMBERSHIP.-The council at a minimum must be composed
 1098 of seven sheriffs and four police chiefs appointed by the chief
 1099 immigration officer, as well as the executive director of the
 1100 Department of Law Enforcement. The chief immigration officer
 1101 must appoint a sheriff to serve as chair of the council.

1102 (2) TERMS OF MEMBERSHIP; COMPENSATION; STAFF.-

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1103 (a) Appointments to the council must be made by March 1,
 1104 2025. Any vacancy shall be filled within 2 weeks after such a
 1105 vacancy.

1106 (b) Membership of the council shall not disqualify a member
 1107 from holding any other public office or being employed by a
 1108 public entity except that no member of the Legislature shall
 1109 serve on the council. The Legislature finds that the council
 1110 serves a state, county, and municipal purpose and that service
 1111 on the council is consistent with a member's principal service
 1112 in a public office or employment.

1113 (c) Members of the council shall serve without compensation
 1114 but are entitled to reimbursement for per diem and travel
 1115 expenses pursuant to s. 112.061.

1116 (d) The office shall provide the council with staff
 1117 necessary to assist the council in the performance of its
 1118 duties.

1119 (3) MEETINGS.—The council must meet quarterly. Additional
 1120 meetings may be held at the discretion of the chair. A majority
 1121 of members of the council constitute a quorum. Council meetings
 1122 may be conducted by teleconference or other electronic means.

1123 (4) DUTIES OF COUNCIL.—The council shall:

1124 (a) Advise the chief immigration officer on the efforts of
 1125 local law enforcement agencies related to the enforcement of
 1126 federal immigration laws within the state.

1127 (b) Provide recommendations on the financial resources
 1128 necessary to aid local law enforcement agencies in the
 1129 cooperation and coordination with the Federal Government.

1130 (c) Provide recommendations to enhance information sharing
 1131 between state entities, local governmental entities, law

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1132 enforcement agencies, and the Federal Government in the
 1133 enforcement of federal immigration laws within the state.

1134 (d) Provide recommendations of any resources necessary to
 1135 facilitate the training of local law enforcement agencies in the
 1136 cooperation and coordination with the Federal Government and the
 1137 enforcement of federal immigration laws.

1138 (e) Provide recommendations on strategies to increase the
 1139 number of available detention beds for use by the United States
 1140 Immigration and Customs Enforcement.

1141 (f) Analyze the information collected in s. 908.1031(5) and
 1142 make recommendations to the chief immigration officer.

1143 (5) RULEMAKING.—The office may adopt rules to implement
 1144 this section.

1145 Section 28. Paragraph (c) subsection (1) of section
 1146 908.105, Florida Statutes, is amended, and paragraph (d) is
 1147 added to that subsection, to read:

1148 908.105 Duties related to immigration detainers.—

1149 (1) A law enforcement agency that has custody of a person
 1150 subject to an immigration detainer issued by a federal
 1151 immigration agency shall:

1152 (c) Upon determining that the immigration detainer is in
 1153 accordance with s. 908.102(3) ~~s. 908.102(2)~~, comply with the
 1154 requests made in the immigration detainer.

1155 (d) Notify the state attorney that the person is subject to
 1156 an immigration detainer.

1157 Section 29. Subsections (1) and (2) of section 908.107,
 1158 Florida Statutes, are amended to read:

1159 908.107 Enforcement.—

1160 (1)(a) Any executive or administrative state, county, or

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1161 municipal officer who violates his or her duties under this
 1162 chapter may be subject to action by the Governor in the exercise
 1163 of his or her authority under the State Constitution and state
 1164 law. Pursuant to s. 1(b), Art. IV of the State Constitution, the
 1165 Governor may initiate judicial proceedings in the name of the
 1166 state against such officers to enforce compliance with any duty
 1167 under this chapter or restrain any unauthorized act contrary to
 1168 this chapter.

1169 (b) The chief immigration officer may present evidence to
 1170 the Governor that an executive or administrative state, county,
 1171 or municipal officer has violated his or her duties under this
 1172 chapter and recommend that the Governor take action using his or
 1173 her authority under the State Constitution and state law.

1174 (2) In addition, the Attorney General or the chief
 1175 immigration officer may file suit against a local governmental
 1176 entity or local law enforcement agency in a court of competent
 1177 jurisdiction for declaratory or injunctive relief for a
 1178 violation of this chapter.

1179 Section 30. Section 908.11, Florida Statutes, is amended to
 1180 read:

1181 908.11 Immigration enforcement assistance agreements;
 1182 reporting requirement.—

1183 (1) The sheriff or the chief correctional officer ~~By~~
 1184 ~~January 1, 2023, each law enforcement agency~~ operating a county
 1185 detention facility must enter into a written agreement with the
 1186 United States Immigration and Customs Enforcement to participate
 1187 in the immigration program established under s. 287(g) of the
 1188 Immigration and Nationality Act, 8 U.S.C. s. 1357. This
 1189 subsection does not require a sheriff or chief correctional

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1190 officer operating a county detention facility ~~law enforcement~~
 1191 ~~agency~~ to participate in a particular program model.

1192 (2) Beginning no later than April 1, 2025 ~~October 1, 2022,~~
 1193 and until the sheriff or chief correctional officer operating a
 1194 county detention facility ~~law enforcement agency~~ enters into the
 1195 written agreement required under subsection (1), each sheriff or
 1196 chief correctional officer ~~law enforcement agency~~ operating a
 1197 county detention facility must notify the ~~office~~ Department of
 1198 ~~Law Enforcement~~ quarterly of the status of such written
 1199 agreement and any reason for noncompliance with this section, if
 1200 applicable.

1201 Section 31. Section 908.13, Florida Statutes, is created to
 1202 read:

1203 908.13 Emergency powers of the chief immigration officer.—
 1204 Notwithstanding the provisions of ss. 252.31-252.90, this
 1205 section provides the sole authority to declare a state of
 1206 emergency related to illegal immigration, illegal migration, or
 1207 immigration enforcement to the chief immigration officer.

1208 (1) Within the powers conferred upon the chief immigration
 1209 officer by law, the chief immigration officer may issue
 1210 emergency orders, proclamations, and rules and may amend or
 1211 rescind them. Such orders, proclamations, and rules have the
 1212 force and effect of law. An emergency order, proclamation, or
 1213 rule must be limited to a duration of not more than 60 days and
 1214 may be renewed as necessary during the duration of the
 1215 emergency. If renewed, such order, proclamation, or rule must
 1216 specifically state the provisions being renewed.

1217 (2) An emergency order or proclamation must be promptly
 1218 disseminated by means calculated to bring its contents to the

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1219 attention of the general public, and unless the circumstances
 1220 attendant upon the emergency prevent or impede such filing, the
 1221 order or proclamation must be filed promptly with the Governor,
 1222 the Department of State, the President of the Senate, the
 1223 Speaker of the House of Representatives, and the offices of the
 1224 county commissioners in the counties to which the order or
 1225 proclamation applies.

1226 (3) (a) At any time, the Legislature, by concurrent
 1227 resolution, may terminate a state of emergency or any specific
 1228 order, proclamation, or rule thereunder. Upon such concurrent
 1229 resolution, the chief immigration officer shall issue an
 1230 emergency order or proclamation consistent with the concurrent
 1231 resolution.

1232 (b) Notwithstanding s. 252.46(2), all emergency
 1233 declarations and orders, regardless of how titled, issued under
 1234 the authority of this section by the chief immigration officer
 1235 before, during, or after a declared emergency must be
 1236 immediately filed with the Division of Administrative Hearings.
 1237 Failure to file any such declaration or order with the division
 1238 within 5 days after issuance voids the declaration or order. The
 1239 division shall index all such declarations and orders and make
 1240 them available in a searchable format on its website within 3
 1241 days after filing. The searchable format must include, but is
 1242 not limited to, searches by term, referenced statutes, and rules
 1243 and must include a search category that specifically identifies
 1244 emergency orders in effect at any given time. A link to the
 1245 division's index must be placed in a conspicuous location on the
 1246 Department of Agriculture and Consumer Services' website.

1247 (4) During a declared state of emergency for illegal

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1248 immigration, illegal migration, or immigration enforcement, the
 1249 chief immigration officer shall coordinate with and advise state
 1250 and local law enforcement agencies for the purpose of securing
 1251 compliance with this chapter.

1252 (5) The chief immigration officer, when deemed necessary to
 1253 respond to immigration-related emergencies, shall request
 1254 assistance from the Governor for the activation and deployment
 1255 of Florida National Guard personnel and equipment.

1256 Section 32. Paragraph (d) of subsection (3) of section
 1257 921.0022, Florida Statutes, is amended to read:

1258 921.0022 Criminal Punishment Code; offense severity ranking
 1259 chart.-

1260 (3) OFFENSE SEVERITY RANKING CHART

1261 (d) LEVEL 4

Florida Statute	Felony Degree	Description
1264 <u>104.155</u>	<u>3rd</u>	<u>Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.</u>
1265 316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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1266	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
1267	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1268	517.07(1)	3rd	Failure to register securities.
1269	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
1270	784.031	3rd	Battery by strangulation.
1271	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
1272	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
1273	784.075	3rd	Battery on detention or commitment facility staff.
1274	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling

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1275	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
1276	784.081(3)	3rd	Battery on specified official or employee.
1277	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
1278	784.083(3)	3rd	Battery on code inspector.
1279	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1280	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1281	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1282	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to

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avoid producing child at
custody hearing or delivering
to designated person.

1283

787.07 3rd Human smuggling.

1284

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

1285

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

1286

790.115(2)(c) 3rd Possessing firearm on school
property.

1287

794.051(1) 3rd Indecent, lewd, or lascivious
touching of certain minors.

1288

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

1289

806.135 2nd Destroying or demolishing a
memorial or historic property.

1290

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault

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or battery.

1291

810.02(4)(b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

1292

810.06 3rd Burglary; possession of tools.

1293

810.08(2)(c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.

1294

810.145(3)(b) 3rd Digital voyeurism
dissemination.

1295

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

1296

812.014
(2)(c)4. &
6.-10. 3rd Grand theft, 3rd degree;
specified items.

1297

812.014(2)(d)2. 3rd Grand theft, 3rd degree; \$750
or more taken from dwelling or
its unenclosed curtilage.

1298

812.014(2)(e)3. 3rd Petit theft, 1st degree; less
than \$40 taken from dwelling or

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its unenclosed curtilage with
two or more prior theft
convictions.

1299

812.0195(2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

1300

817.505(4)(a) 3rd Patient brokering.

1301

817.563(1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

1302

817.568(2)(a) 3rd Fraudulent use of personal
identification information.

1303

817.5695(3)(c) 3rd Exploitation of person 65 years
of age or older, value less
than \$10,000.

1304

817.625(2)(a) 3rd Fraudulent use of scanning
device, skimming device, or
reencoder.

1305

817.625(2)(c) 3rd Possess, sell, or deliver
skimming device.

1306

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828.125(1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

1307

836.14(2) 3rd Person who commits theft of a
sexually explicit image with
intent to promote it.

1308

836.14(3) 3rd Person who willfully possesses
a sexually explicit image with
certain knowledge, intent, and
purpose.

1309

837.02(1) 3rd Perjury in official
proceedings.

1310

837.021(1) 3rd Make contradictory statements
in official proceedings.

1311

838.022 3rd Official misconduct.

1312

839.13(2)(a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

1313

839.13(2)(c) 3rd Falsifying records of the
Department of Children and
Families.

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1314

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

1315

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

1316

843.15(1) (a) 3rd Failure to appear while on bail
for felony (bond estreatment or
bond jumping).

1317

843.19(2) 2nd Injure, disable, or kill
police, fire, or SAR canine or
police horse.

1318

847.0135(5) (c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

1319

870.01(3) 2nd Aggravated rioting.

1320

870.01(5) 2nd Aggravated inciting a riot.

1321

874.05(1) (a) 3rd Encouraging or recruiting
another to join a criminal
gang.

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1322

893.13(2) (a)1. 2nd Purchase of cocaine (or other
s. 893.03(1) (a), (b), or (d),
(2) (a), (2) (b), or (2) (c)5.
drugs).

1323

914.14(2) 3rd Witnesses accepting bribes.

1324

914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

1325

914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

1326

916.1085 3rd Introduction of specified
(2) (c)1. contraband into certain DCF
facilities.

1327

918.12 3rd Tampering with jurors.

1328

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

1329

944.47(1) (a)6. 3rd Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

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1330

951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

1331

1332 Section 33. Subsections (15) and (16) of section 943.03,
1333 Florida Statutes, are renumbered as subsections (16) and (17),
1334 respectively, subsection (14) is amended, and a new subsection
1335 (15) is added to that section, to read:

1336 943.03 Department of Law Enforcement.—

1337 (14) The department, with respect to counter-terrorism
1338 efforts, responses to acts of terrorism within or affecting this
1339 state, ~~coordinating with and providing assistance to the Federal~~
1340 ~~Government in the enforcement of federal immigration laws,~~
1341 ~~responses to immigration enforcement incidents within or~~
1342 ~~affecting this state,~~ and other matters related to the domestic
1343 security of Florida as it relates to terrorism ~~and immigration~~
1344 ~~enforcement incidents,~~ shall coordinate and direct the law
1345 enforcement, initial emergency, and other initial responses. The
1346 department shall work closely with the Division of Emergency
1347 Management, other federal, state, and local law enforcement
1348 agencies, fire and rescue agencies, first-responder agencies,
1349 and others involved in preparation against acts of terrorism in
1350 or affecting this state, ~~immigration enforcement incidents~~
1351 ~~within or affecting this state,~~ and in the response to such acts
1352 ~~or incidents.~~ The executive director of the department, or

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1354 another member of the department designated by the director,
1355 shall serve as Chief of Domestic Security for the purpose of
1356 directing and coordinating such efforts. The department and
1357 Chief of Domestic Security shall use the regional domestic
1358 security task forces as established in this chapter to assist in
1359 such efforts.

1359

(15) The department shall coordinate with the Office of
1360 State Immigration Enforcement within the Department of
1361 Agriculture and Consumer Services when providing assistance to
1362 the Federal Government in the enforcement of federal immigration
1363 laws.

1364

1365 Section 34. Section 943.03101, Florida Statutes, is amended
1366 to read:

1366

1367 943.03101 Counter-terrorism ~~and immigration enforcement~~
1368 coordination.—The Legislature finds that with respect to
1369 counter-terrorism efforts ~~and,~~ initial responses to acts of
1370 terrorism within or affecting this state, ~~coordinating with and~~
1371 ~~providing assistance to the Federal Government in the~~
1372 ~~enforcement of federal immigration laws, and responses to~~
1373 ~~immigration enforcement incidents within or affecting this~~
1374 ~~state,~~ specialized efforts of emergency management which are
1375 unique to such situations are required and that these efforts
1376 intrinsically involve very close coordination of federal, state,
1377 and local law enforcement agencies with the efforts of all
1378 others involved in emergency-response efforts. In order to best
1379 provide this specialized effort, the Legislature has determined
1380 that such efforts should be coordinated by and through the
1381 Department of Law Enforcement, working closely with the Division
of Emergency Management and others involved in preparation

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1382 against acts of terrorism in or affecting this state,
 1383 ~~immigration enforcement incidents within or affecting this~~
 1384 ~~state~~, and in the initial response to such acts, in accordance
 1385 with the state comprehensive emergency management plan prepared
 1386 pursuant to s. 252.35(2)(a).

1387 Section 35. Subsections (3) through (8) of section
 1388 943.0311, Florida Statutes, are renumbered as subsections (2)
 1389 through (7), respectively, and subsection (1) and present
 1390 subsections (2) and (4) of that section are amended to read:

1391 943.0311 Chief of Domestic Security; duties of the
 1392 department with respect to domestic security.—

1393 (1) The executive director of the department, or a member
 1394 of the department designated by the executive director, shall
 1395 serve as the Chief of Domestic Security. The Chief of Domestic
 1396 Security shall:

1397 (a) Coordinate the efforts of the department in the ongoing
 1398 assessment of this state's vulnerability to, and ability to
 1399 detect, prevent, prepare for, respond to, and recover from, acts
 1400 of terrorism within or affecting this state ~~and immigration~~
 1401 ~~enforcement incidents within or affecting this state.~~

1402 (b) Prepare recommendations for the Governor, the President
 1403 of the Senate, and the Speaker of the House of Representatives,
 1404 which are based upon ongoing assessments to limit the
 1405 vulnerability of the state to terrorism ~~and immigration~~
 1406 ~~enforcement incidents.~~

1407 (c) Coordinate the collection of proposals to limit the
 1408 vulnerability of the state to terrorism ~~and immigration~~
 1409 ~~enforcement incidents.~~

1410 (d) Coordinate with the chief immigration officer within

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1411 the Department of Agriculture and Consumer Services when
 1412 providing assistance to the Federal Government in the
 1413 enforcement of federal immigration laws.

1414 ~~(e) (d)~~ Use regional task forces to support the duties of
 1415 the department set forth in this section.

1416 ~~(f) (e)~~ Use public or private resources to perform the
 1417 duties assigned to the department under this section.

1418 ~~(2) The chief shall regularly coordinate random audits~~
 1419 ~~pursuant to s. 448.095 to ensure compliance and enforcement and~~
 1420 ~~shall notify the Department of Commerce of any violations.~~

1421 ~~(3) (4)~~ The chief shall report to the Governor, the
 1422 President of the Senate, and the Speaker of the House of
 1423 Representatives by November 1 of each year suggestions for
 1424 specific and significant security enhancements of any building,
 1425 facility, or structure owned or leased by a state agency, state
 1426 university, or community college or any entity that has
 1427 conducted an assessment under subsection (5) ~~(6)~~. The chief may
 1428 utilize the assessments provided under subsection (5) ~~(6)~~ in
 1429 making his or her suggestions. The report shall suggest
 1430 strategies to maximize federal funds in support of building or
 1431 facility security if such funds are available.

1432 Section 36. Section 943.0312, Florida Statutes, is amended
 1433 to read:

1434 943.0312 Regional domestic security task forces.—The
 1435 Legislature finds that there is a need to develop and implement
 1436 a statewide strategy to address prevention, preparation,
 1437 protection, response, and recovery efforts by federal, state,
 1438 and local law enforcement agencies, emergency management
 1439 agencies, fire and rescue departments, first-responder

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1440 personnel, and others in dealing with potential or actual
 1441 terrorist acts within or affecting this state ~~and potential or~~
 1442 ~~actual immigration enforcement incidents within or affecting~~
 1443 ~~this state.~~

1444 (1) To assist the department and the Chief of Domestic
 1445 Security in performing their roles and duties in this regard,
 1446 the department shall establish a regional domestic security task
 1447 force in each of the department's operational regions. The task
 1448 forces shall serve in an advisory capacity to the department and
 1449 the Chief of Domestic Security and shall provide support to the
 1450 department in its performance of functions pertaining to
 1451 domestic security.

1452 (a) Subject to annual appropriation, the department shall
 1453 provide dedicated employees to support the function of each
 1454 regional domestic security task force.

1455 (b) Each task force shall be co-chaired by the department's
 1456 special agent in charge of the operational region in which the
 1457 task force is located and by a local sheriff or chief of police
 1458 from within the operational region.

1459 (c) Each task force membership may also include
 1460 representatives of state and local law enforcement agencies,
 1461 fire and rescue departments, or first-responder personnel;
 1462 representatives of emergency management agencies and health,
 1463 medical, and hospital agencies; representatives of local
 1464 emergency planning committees; and other persons as deemed
 1465 appropriate and necessary by the task force co-chairs.

1466 (d) The co-chairs of each task force may appoint
 1467 subcommittees and subcommittee chairs as necessary in order to
 1468 address issues related to the various disciplines represented on

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1469 the task force, except that subcommittee chairs for emergency
 1470 management shall be appointed with the approval of the director
 1471 of the Division of Emergency Management. A subcommittee chair
 1472 shall serve at the pleasure of the co-chairs.

1473 (2) In accordance with the state's domestic security
 1474 strategic goals and objectives, each task force shall coordinate
 1475 efforts to counter terrorism as defined by s. 775.30 ~~and~~
 1476 ~~cooperate with and provide assistance to the Federal Government~~
 1477 ~~in the enforcement of federal immigration laws within or~~
 1478 ~~affecting this state in compliance with chapter 908,~~ among
 1479 local, state, and federal resources to ensure that such efforts
 1480 are not fragmented or unnecessarily duplicated; coordinate
 1481 training for local and state personnel to counter terrorism as
 1482 defined in s. 775.30; ~~and cooperate with and provide assistance~~
 1483 ~~to the Federal Government in the enforcement of federal~~
 1484 ~~immigration laws within or affecting this state in compliance~~
 1485 ~~with chapter 908;~~ coordinate the collection and dissemination of
 1486 investigative and intelligence information; and facilitate
 1487 responses to terrorist incidents within or affecting each region
 1488 ~~and immigration enforcement incidents within or affecting each~~
 1489 ~~region.~~ With the approval of the Chief of Domestic Security, the
 1490 task forces may incorporate other objectives reasonably related
 1491 to the goals of enhancing the state's domestic security and
 1492 ability to detect, prevent, and respond to acts of terrorism
 1493 within or affecting this state ~~or immigration enforcement~~
 1494 ~~incidents within or affecting this state.~~ Each task force shall
 1495 take into account the variety of conditions and resources
 1496 present within its region.

1497 (3) The Chief of Domestic Security, in conjunction with the

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1498 Division of Emergency Management, the regional domestic security
 1499 task forces, and the various state entities responsible for
 1500 establishing training standards applicable to state law
 1501 enforcement officers and fire, emergency, and first-responder
 1502 personnel shall identify appropriate equipment and training
 1503 needs, curricula, and materials related to the effective
 1504 response to suspected or actual acts of terrorism, ~~immigration~~
 1505 ~~enforcement incidents~~, or incidents involving real or hoax
 1506 weapons of mass destruction as defined in s. 790.166.
 1507 Recommendations for funding for purchases of equipment, delivery
 1508 of training, implementation of, or revision to basic or
 1509 continued training required for state licensure or
 1510 certification, or other related responses shall be made by the
 1511 Chief of Domestic Security to the Domestic Security Oversight
 1512 Council, the Executive Office of the Governor, the President of
 1513 the Senate, and the Speaker of the House of Representatives as
 1514 necessary to ensure that the needs of this state with regard to
 1515 the preparing, equipping, training, and exercising of response
 1516 personnel are identified and addressed. In making such
 1517 recommendations, the Chief of Domestic Security and the Division
 1518 of Emergency Management shall identify all funding sources that
 1519 may be available to fund such efforts.

1520 (4) Each regional domestic security task force, working in
 1521 conjunction with the department, the Office of the Attorney
 1522 General, and other public or private entities, shall work to
 1523 ensure that hate-driven acts against ethnic groups that may have
 1524 been targeted as a result of acts of terrorism in or affecting
 1525 this state, ~~or as a result of immigration enforcement incidents~~
 1526 ~~within or affecting this state~~, are appropriately investigated

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1527 and responded to.

1528 (5) Members of each regional domestic security task force
 1529 may not receive any pay other than their salaries normally
 1530 received from their employers, but are entitled to reimbursement
 1531 for per diem and travel expenses in accordance with s. 112.061.

1532 (6) Subject to annual appropriation, the department shall
 1533 provide staff and administrative support for the regional
 1534 domestic security task forces.

1535 Section 37. Section 943.0313, Florida Statutes, is amended
 1536 to read:

1537 943.0313 Domestic Security Oversight Council.—The
 1538 Legislature finds that there exists a need to provide executive
 1539 direction and leadership with respect to terrorism ~~and~~
 1540 ~~immigration enforcement incident~~ prevention, preparation,
 1541 protection, response, and recovery efforts by state and local
 1542 agencies in this state. In recognition of this need, the
 1543 Domestic Security Oversight Council is hereby created. The
 1544 council shall serve as an advisory council pursuant to s.
 1545 20.03(7) to provide guidance to the state's regional domestic
 1546 security task forces and other domestic security working groups
 1547 and to make recommendations to the Governor and the Legislature
 1548 regarding the expenditure of funds and allocation of resources
 1549 related to counter-terrorism ~~and cooperating with and providing~~
 1550 ~~assistance to the Federal Government in the enforcement of~~
 1551 ~~federal immigration laws~~ and domestic security efforts.

1552 (1) MEMBERSHIP.—

1553 (a) The Domestic Security Oversight Council shall consist
 1554 of the following voting members:

1555 1. The executive director of the Department of Law

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1556 Enforcement.

1557 2. The director of the Division of Emergency Management.

1558 3. The Attorney General.

1559 4. The Commissioner of Agriculture.

1560 5. The State Surgeon General.

1561 6. The Commissioner of Education.

1562 7. The State Fire Marshal.

1563 8. The adjutant general of the Florida National Guard.

1564 9. The state chief information officer.

1565 10. Each sheriff or chief of police who serves as a co-

1566 chair of a regional domestic security task force pursuant to s.

1567 943.0312(1)(b).

1568 11. Each of the department's special agents in charge who

1569 serve as a co-chair of a regional domestic security task force.

1570 12. Two representatives of the Florida Fire Chiefs

1571 Association.

1572 13. One representative of the Florida Police Chiefs

1573 Association.

1574 14. One representative of the Florida Prosecuting Attorneys

1575 Association.

1576 15. The chair of the Statewide Domestic Security

1577 Intelligence Committee.

1578 16. One representative of the Florida Hospital Association.

1579 17. One representative of the Emergency Medical Services

1580 Advisory Council.

1581 18. One representative of the Florida Emergency

1582 Preparedness Association.

1583 19. One representative of the Florida Seaport

1584 Transportation and Economic Development Council.

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1585 (b) In addition to the members designated in paragraph (a),

1586 the council may invite other ex officio, nonvoting members to

1587 attend and participate in council meetings. Those nonvoting

1588 members may include, but need not be limited to:

1589 1. The executive director of the Department of Highway

1590 Safety and Motor Vehicles.

1591 2. The Secretary of Health Care Administration.

1592 3. The Secretary of Environmental Protection.

1593 4. The director of the Division of Law Enforcement within

1594 the Fish and Wildlife Conservation Commission.

1595 5. A representative of the Commission on Human Relations.

1596 6. A representative of the United States Coast Guard.

1597 7. A United States Attorney from a federal judicial circuit

1598 within this state.

1599 8. A special agent in charge from an office of the Federal

1600 Bureau of Investigation within this state.

1601 9. A representative of the United States Department of

1602 Homeland Security.

1603 10. A representative of United States Immigration and

1604 Customs Enforcement.

1605 11. A representative of United States Customs and Border

1606 Protection.

1607 (2) ORGANIZATION.—

1608 (a) The Legislature finds that the council serves a

1609 legitimate state, county, and municipal purpose and that service

1610 on the council is consistent with a member's principal service

1611 in public office or employment. Membership on the council does

1612 not disqualify a member from holding any other public office or

1613 being employed by a public entity, except that a member of the

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1614 Legislature may not serve on the council.

1615 (b) The executive director of the Department of Law
1616 Enforcement shall serve as chair of the council, and the
1617 director of the Division of Emergency Management shall serve as
1618 vice chair of the council. In the absence of the chair, the vice
1619 chair shall serve as chair. In the absence of the vice chair,
1620 the chair may name any member of the council to perform the
1621 duties of the chair if such substitution does not extend beyond
1622 a defined meeting, duty, or period of time.

1623 (c) Any absent voting member of the council may be
1624 represented by a designee empowered to act on any issue before
1625 the council to the same extent that the designating member is
1626 empowered. If a co-chair of a regional domestic security task
1627 force is absent from a council meeting, the co-chair shall
1628 appoint a subcommittee chair of that task force as the designee.

1629 (d) The council shall establish bylaws for its general
1630 governance.

1631 (e) Any member of the council serving by reason of the
1632 office or employment held by the member shall cease to serve on
1633 the council at such time as he or she ceases to hold the office
1634 or employment which was the basis for appointment to the
1635 council.

1636 (f) Representatives from agencies or organizations other
1637 than those designated by title shall be chosen by the entity.
1638 Except for those individuals designated by title, council
1639 members shall be certified annually to the chair by the
1640 organization they represent.

1641 (g) Members of the council or their designees shall serve
1642 without compensation but are entitled to reimbursement for per

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1643 diem and travel expenses pursuant to s. 112.061.

1644 (h) The department shall provide the council with the staff
1645 support necessary to assist in the performance of its duties.

1646 (3) MEETINGS.—The council must meet at least semiannually.
1647 Additional meetings may be held as necessary. A majority of the
1648 members of the council constitutes a quorum.

1649 (4) EXECUTIVE COMMITTEE.—

1650 (a) The council shall establish an executive committee
1651 consisting of the following members:

1652 1. The executive director of the Department of Law
1653 Enforcement.

1654 2. The director of the Division of Emergency Management.

1655 3. The Attorney General.

1656 4. The Commissioner of Agriculture.

1657 5. The State Surgeon General.

1658 6. The Commissioner of Education.

1659 7. The State Fire Marshal.

1660 (b) The executive director of the Department of Law
1661 Enforcement shall serve as the chair of the executive committee,
1662 and the director of the Division of Emergency Management shall
1663 serve as the vice chair of the executive committee.

1664 (c) The executive committee shall approve all matters
1665 brought before the council prior to consideration. When
1666 expedited action of the council is deemed necessary by the chair
1667 or vice chair, the executive committee may act on behalf of the
1668 council.

1669 (5) DUTIES OF THE COUNCIL.—

1670 (a) The Domestic Security Oversight Council shall serve as
1671 an advisory council to the Governor, the Legislature, and the

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1672 Chief of Domestic Security. The council shall:

1673 1. Review the development, maintenance, and operation of a
1674 comprehensive multidisciplinary domestic security strategy that
1675 will guide the state's prevention, preparedness, protection,
1676 response, and recovery efforts against terrorist attacks ~~and~~
1677 ~~immigration enforcement incidents~~ and make appropriate
1678 recommendations to ensure the implementation of that strategy.

1679 2. Review the development of integrated funding plans to
1680 support specific projects, goals, and objectives necessary to
1681 the state's domestic security strategy and make appropriate
1682 recommendations to implement those plans.

1683 3. Review and recommend approval of prioritized
1684 recommendations from regional domestic security task forces and
1685 state working groups on the use of available funding to ensure
1686 the use of such funds in a manner that best promotes the goals
1687 of statewide, regional, and local domestic security through
1688 coordinated planning and implementation strategies.

1689 4. Review and recommend approval of statewide policies and
1690 operational protocols that support the domestic security efforts
1691 of the regional domestic security task forces and state
1692 agencies.

1693 5. Review the overall statewide effectiveness of domestic
1694 security efforts ~~and~~, counter-terrorism efforts, ~~and efforts of~~
1695 ~~coordinating with and providing assistance to the Federal~~
1696 ~~Government in the enforcement of federal immigration laws~~ in
1697 order to provide suggestions to improve or enhance those
1698 efforts.

1699 6. Review the efforts of any agency or entity involved in
1700 state or local domestic security efforts ~~and~~, counter-terrorism

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1701 efforts, ~~and efforts of coordination with and providing~~
1702 ~~assistance to the Federal Government in the enforcement of~~
1703 ~~federal immigration laws~~ that requests assistance or that
1704 appears to need such review in order to provide suggestions to
1705 improve or enhance those efforts.

1706 7. Review efforts within the state to better secure state
1707 and local infrastructure against terrorist attack ~~or immigration~~
1708 ~~enforcement incidents~~ and make recommendations to enhance the
1709 effectiveness of such efforts.

1710 8. Review and recommend legislative initiatives related to
1711 the state's domestic security and provide endorsement or
1712 recommendations to enhance the effectiveness of such efforts.

1713 9. Review statewide or multiagency mobilizations and
1714 responses to major domestic security incidents and recommend
1715 suggestions for training, improvement of response efforts, or
1716 improvement of coordination or for other strategies that may be
1717 derived as necessary from such reviews.

1718 10. Conduct any additional review or inquiry or make
1719 recommendations to the Governor and Legislature in support of
1720 other initiatives, as may be necessary, to fulfill the function
1721 of general oversight of the state's domestic security efforts
1722 ~~and~~, counter-terrorism efforts, ~~and efforts of coordinating with~~
1723 ~~and providing assistance to the Federal Government in the~~
1724 ~~enforcement of federal immigration laws~~ and to promote increased
1725 security.

1726 11. Promote and preserve intergovernmental cooperation and
1727 consensus among state and local agencies, the Federal
1728 Government, private entities, other states, and other nations,
1729 as appropriate, under the guidance of the Governor.

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1730 (b) The Domestic Security Oversight Council shall make an
 1731 annual funding recommendation to the Governor and Legislature
 1732 which shall prioritize funding requests based on allocations
 1733 from all available sources for implementing the state's domestic
 1734 security strategy. This recommendation must include the
 1735 prioritized recommendations of each of the regional domestic
 1736 security task forces and the various working groups that
 1737 participate in the prioritization process for funding
 1738 allocations. The recommendation must reflect the consideration
 1739 of strategic priorities and allocations that best serve the
 1740 state's overall domestic security needs. The recommendation
 1741 shall be transmitted to the Governor and the Legislature by
 1742 December 31 of each year. If additional funds become available,
 1743 or reallocation of funding is required beyond current spending
 1744 authorizations, the council may make recommendations to the
 1745 Governor for consideration by the Legislative Budget Commission.

1746 (6) REPORTS.—The council shall report annually on its
 1747 activities, on or before December 31 of each calendar year, to
 1748 the Governor, the President of the Senate, the Speaker of the
 1749 House of Representatives, and the chairs of the committees
 1750 having principal jurisdiction over domestic security in the
 1751 Senate and the House of Representatives.

1752 (7) AGENCY DESIGNATION.—For purposes of this section, the
 1753 Domestic Security Oversight Council shall be considered a
 1754 criminal justice agency within the definition of s. 119.011(4).

1755 Section 38. Effective July 1, 2025, paragraph (a) of
 1756 subsection (12) of section 1009.26, Florida Statutes, is amended
 1757 to read:

1758 1009.26 Fee waivers.—

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1759 (12) (a) A state university, a Florida College System
 1760 institution, a career center operated by a school district under
 1761 s. 1001.44, or a charter technical career center shall waive
 1762 out-of-state fees for students who are citizens of the United
 1763 States or lawfully present in the United States, ~~including, but~~
 1764 ~~not limited to, students who are undocumented for federal~~
 1765 ~~immigration purposes~~, who meet the following conditions:

1766 1. Attended a secondary school in this state for 3
 1767 consecutive years immediately before graduating from a high
 1768 school in this state;

1769 2. Apply for enrollment in an institution of higher
 1770 education within 24 months after high school graduation; and

1771 3. Submit an official Florida high school transcript as
 1772 evidence of attendance and graduation.

1773 Section 39. Students receiving a fee waiver pursuant to s.
 1774 1009.26(12), Florida Statutes, must be reevaluated for
 1775 eligibility beginning July 1, 2025.

1776 Section 40. (1) Any interagency agreement, memorandum of
 1777 understanding, or contract existing before the effective date of
 1778 this act between the Department of Law Enforcement and any other
 1779 agency related to the coordination or enforcement of federal
 1780 immigration laws shall continue as an agreement, memorandum, or
 1781 contract for the remainder of its term with the Department of
 1782 Agriculture and Consumer Services replacing the Department of
 1783 Law Enforcement as a party.

1784 (2) Any administrative rules promulgated by the Department
 1785 of Law Enforcement related to coordination with the Federal
 1786 Government regarding federal immigration laws or the enforcement
 1787 of federal immigration laws are transferred to the Department of

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1788 Agriculture and Consumer Services.

1789 Section 41. (1) The Office of State Immigration Enforcement
 1790 within the Division of Law Enforcement under the Department of
 1791 Agriculture and Consumer Services is authorized, and all
 1792 conditions are deemed met, to adopt emergency rules pursuant to
 1793 s. 120.54(4), Florida Statutes, to implement the creation by
 1794 this act of ss. 19.56, 908.1031, and 908.1042, Florida Statutes.
 1795 Notwithstanding any other law, emergency rules adopted pursuant
 1796 to this subsection are effective for 6 months after adoption and
 1797 may be renewed during the pendency of procedures to adopt
 1798 permanent rules addressing the subject of the emergency rules.

1799 (2) This section expires July 1, 2026.

1800 Section 42. The Legislature finds that the state's criminal
 1801 justice training centers as well as facilities of the Department
 1802 of Military Affairs, such as the Camp Blanding Joint Training
 1803 Center, are highly qualified and critical strategic, year-round
 1804 assets for training. The Legislature has made significant
 1805 investments to make the Camp Blanding Joint Training Center the
 1806 premier facility in the southeast. In order to support the
 1807 anticipated training and operations involving multiple federal,
 1808 state, and local agencies, and given the scale and value of this
 1809 state's assets, the Department of Military Affairs and local law
 1810 enforcement shall work with the Office of State Immigration
 1811 Enforcement within the Department of Agriculture and Consumer
 1812 Services to ensure that the state's federal partners can access
 1813 and use the state's physical assets in order to further the
 1814 nation's mission to address illegal immigration. Such activities
 1815 include outreach to federal partnership as well as entering into
 1816 agreements for the use of such facilities.

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1817 Section 43. Section 1 of chapter 2023-3, Laws of Florida,
 1818 is amended to read:

1819 Section 1. (1) As used in this section, the term "inspected
 1820 unauthorized alien" means an individual who has documentation
 1821 from the United States Government indicating that the United
 1822 States Government processed and released him or her into the
 1823 United States without admitting the individual in accordance
 1824 with the federal Immigration and Nationality Act, 8 U.S.C. ss.
 1825 1101 et seq. The term must be interpreted consistently with any
 1826 applicable federal statutes, rules, or regulations.

1827 (2) The Legislature finds that the Federal Government has
 1828 failed to secure the nation's borders and has allowed a surge of
 1829 inspected unauthorized aliens to enter the United States. In
 1830 January 2023, the Governor issued Executive Order 23-03,
 1831 directing state law enforcement agencies and other state
 1832 agencies to take necessary actions to protect Floridians from
 1833 the impacts of the border crisis. Without such action,
 1834 detrimental effects may be experienced in Florida, including
 1835 increased crime, diminished economic opportunities and wages for
 1836 American workers, and burdens on the education and health care
 1837 systems. The Legislature finds that the Federal Government has
 1838 proven itself unwilling to address this crisis.

1839 (3) To mitigate the effects of this crisis on the State of
 1840 Florida, the Unauthorized Alien Transport Program is created
 1841 within the Division of Law Enforcement under the Department of
 1842 Agriculture and Consumer Services ~~Emergency Management within~~
 1843 ~~the Executive Office of the Governor~~ for the purpose of
 1844 facilitating the transport of inspected unauthorized aliens
 1845 within the United States, consistent with federal law.

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1846 Notwithstanding s. 287.057, Florida Statutes, the division is
 1847 authorized to contract for services to implement the program.

1848 (4) The division shall evaluate the effectiveness and value
 1849 of the program in assisting coordination with the Federal
 1850 Government and recommend to the Legislature by March 15, 2025,
 1851 to make no changes or to continue or modify the program.

1852 ~~(5)(4)~~ The division may adopt rules to implement the
 1853 program.

1854 ~~(6)(5)~~ This section expires June 30, 2025.

1855 Section 44. Notwithstanding s. 252.36, Florida Statutes,
 1856 Executive Order 23-03, renewed by executive orders 23-49, 23-88,
 1857 23-134, 23-213, 23-245, 24-35, 24-74, 24-118, 24-173, 24-220,
 1858 and 24-269, may not be renewed. Once the state of emergency
 1859 expires, or but for early termination would have expired, the
 1860 Governor may not issue a subsequent state of emergency with
 1861 respect to the same or substantially similar issue or
 1862 circumstances.

1863 Section 45. (1) For the 2024-2025 fiscal year, the sums of
 1864 \$20,562,630 in recurring funds and \$484,467,609 in nonrecurring
 1865 funds are appropriated from the General Revenue Fund to the
 1866 Department of Agriculture and Consumer Services to implement
 1867 this act.

1868 (2) From the recurring general revenue funds, \$898,592
 1869 shall be allocated to the Executive Direction and Support
 1870 Services budget entity in specific appropriations categories:
 1871 \$852,500 in Salaries and Benefits, \$43,631 in Expenses, and
 1872 \$2,461 in Transfer to the Department of Management
 1873 Services/Statewide Human Resources Contract, and \$19,664,038
 1874 shall be allocated to the Division of Law Enforcement/Office of

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1875 State Immigration Enforcement in specific appropriations
 1876 categories: \$13,827,050 in Salaries and Benefits, \$3,694,073 in
 1877 Expenses, \$15,000 in Operating Capital Outlay, \$2,000,000 in
 1878 Contracted Services, \$49,915 in Transfer to the Department of
 1879 Management Services/Statewide Human Resources Contract, and
 1880 \$78,000 in Salary Incentive Payments. These funds shall be
 1881 released immediately upon this act becoming a law.

1882 (3) From the nonrecurring general revenue funds, \$38,017
 1883 shall be allocated to the Executive Direction and Support
 1884 Services budget entity in the expense category, and \$9,429,592
 1885 shall be allocated to the Division of Law Enforcement/Office of
 1886 State Immigration Enforcement in specific appropriations
 1887 categories: \$1,515,114 in Expenses, \$478,850 in Operating
 1888 Capital Outlay, \$6,402,468 in Acquisition of Motor Vehicles,
 1889 \$533,160 in Acquisition of Boats, Motors, and Trailers, and
 1890 \$500,000 in Contracted Services. These funds shall be released
 1891 immediately upon this act becoming a law. The unexpended balance
 1892 of nonrecurring general revenue funds appropriated to the
 1893 Division of Law Enforcement/Office of State Immigration
 1894 Enforcement remaining on June 30, 2025, shall revert and is
 1895 appropriated to the Division of Law Enforcement/Office of State
 1896 Immigration Enforcement for Fiscal Year 2025-2026 for the same
 1897 purpose.

1898 (4) The Department of Agriculture and Consumer Services is
 1899 authorized to establish 142.00 full-time equivalent positions
 1900 with associated salary rate of 8,584,000 in the Division of Law
 1901 Enforcement/Office of State Immigration Enforcement for the
 1902 purpose of implementing this act. The following specific
 1903 positions, classifications, and pay plans are authorized: one

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1904 Law Enforcement Major, class code 8630, pay plan 01; one Law
 1905 Enforcement Captain, class code 8630, pay plan 01; four Law
 1906 Enforcement Lieutenants, class code 8522, pay plan 01; forty-
 1907 four Law Enforcement Officers, class code 8515, pay plan 01;
 1908 four Investigation Supervisor-SES, class code 8354, pay plan 08;
 1909 forty-six Investigation Specialist II, class code 8318, pay plan
 1910 01; two Training Consultant III, class code 6004, pay plan 01;
 1911 twenty Regulatory Specialist III, class code 0444, pay plan 01;
 1912 one chief of general operations, class code 9328, pay plan 08;
 1913 three senior attorneys, class code 7738, pay plan 08; and
 1914 sixteen government operations consultants, class code 2238, pay
 1915 plan 01.

1916 (5) The Department of Agriculture and Consumer Services is
 1917 authorized to establish 7.00 full-time equivalent positions with
 1918 associated salary rate of 550,000 in the Executive Direction and
 1919 Support Services budget entity for the purpose of implementing
 1920 this act. The following specific positions, classifications, and
 1921 pay plans are authorized: two Senior Attorneys, class code 7738,
 1922 pay plan 08; three Government Analyst II, class code 2225, pay
 1923 plan 01; one Purchasing Analyst, class code 0830, pay plan 01;
 1924 and one Human Resource Specialist, class code 0190, pay plan 01.

1925 (6) From the nonrecurring general revenue funds,
 1926 \$100,000,000 shall be allocated to specific appropriation
 1927 special category Local Law Enforcement Immigration Grant Program
 1928 in the Division of Law Enforcement/Office of State Immigration
 1929 Enforcement to implement the Local Law Enforcement Immigration
 1930 Grant Program. The amount of \$3,750,000 shall be released
 1931 immediately upon this act becoming a law. The division/office
 1932 shall use these funds for administrative costs associated with

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1933 developing and implementing the grant program. The
 1934 division/office shall develop an implementation plan including
 1935 procedures, administration, and criteria for approving grant
 1936 applications. The implementation plan shall be submitted to the
 1937 President of the Senate and the Speaker of the House of
 1938 Representatives no later than March 1, 2025. Upon approval of
 1939 the implementation plan by the President of the Senate and the
 1940 Speaker of the House of Representatives, the Chief Financial
 1941 Officer shall immediately release the balance of funds to the
 1942 division/office.

1943 (7) From the nonrecurring general revenue funds,
 1944 \$375,000,000 shall be allocated to specific appropriation
 1945 special category Implementation and Support for Enforcement of
 1946 Federal Immigration Policies in the Division of Law
 1947 Enforcement/Office of State Immigration Enforcement to implement
 1948 specific recommendations from the division/office for use of the
 1949 funds, which may include funds to support federal access to
 1950 training facilities in this state; grants to local law
 1951 enforcement to retain existing law enforcement officers or
 1952 attract new officers; and grants to pay costs incurred by local
 1953 law enforcement that were necessary for the full support and
 1954 coordination with the Federal Government in the implementation
 1955 and enforcement of federal immigration policies, including
 1956 training activities related to the federal program established
 1957 under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C.
 1958 s. 1357. The division/office shall develop a report of the
 1959 recommendations including allocations of applicable costs and
 1960 implementation plans. The report shall be submitted to the
 1961 President of the Senate and the Speaker of the House of

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1962 Representatives by March 15, 2025. Upon approval of the report
1963 by concurrent resolution of the Legislature, the Chief Financial
1964 Officer shall immediately release funds to the division/office
1965 consistent with the recommendations approved from the report.

1966 Section 46. The unexpended balance of funds provided in
1967 section 229, chapter 2024-231, Laws of Florida, to the Executive
1968 Office of the Governor, Division of Emergency Management shall
1969 immediately revert. For the 2024-2025 fiscal year, the
1970 nonrecurring sum of \$10,000,000 from the General Revenue Fund is
1971 appropriated to the Division of Law Enforcement within the
1972 Department of Agriculture and Consumer Services for the
1973 Unauthorized Alien Transport Program as amended by this act. The
1974 funds shall be released to the division immediately upon this
1975 act becoming a law.

1976 Section 47. Except as otherwise provided in this act, this
1977 act shall take effect upon becoming a law.



373008

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1755 - 1775.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 136 - 140

and insert:

provisions to changes made by the act; requiring
certain agreements and contracts to



The Hospital Patient Immigration Status Report

This report was created as required pursuant to section 395.3027(3), Florida Statutes, which states:

By March 1 of each year, the agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes the total number of hospital admissions and emergency department visits for the previous calendar year for which the patient or patient's representative reported that the patient was a citizen of the United States or lawfully present in the United States, was not lawfully present in the United States, or declined to answer. The report must also describe information relating to the costs of uncompensated care for aliens who are not lawfully present in the United States, the impact of uncompensated care on the cost or ability of hospitals to provide services to the public, hospital funding needs, and other related information.

The focus of this report will be at the statewide macro level with some discussion of county level data. Individual hospitals are unique, and their payer mix, service mix, and funding can vary dramatically even within the same county.

Data Sources Used in this Report:

- Data collected under section 395.3027, Florida Statutes, from June 1, 2023 – December 31, 2023 (2 quarterly reports) submitted to the Agency.
- 2013 - 2022 Florida Hospital Uniform Reporting System (FHURS) Data

Summary of the Data Collected and Findings:

	2023-Q3*	2023-Q4*	Grand Total
Admissions Indicated Citizen	600,971	700,936	1,301,907
Admissions Indicated Lawfully Present	145,961	125,692	271,653
Admissions Indicated Not Lawfully Present	7,438	6,584	14,022
Admissions Declined To Answer	67,719	65,253	132,972
Total Admissions	822,089	898,465	1,720,554
Percent Illegal Admits	0.90%	0.73%	0.81%
Percent Declined to Answer Admits	8.24%	7.26%	7.73%
ED Visits Indicated Citizen	1,670,034	2,026,091	3,696,125
ED Visits Indicated Lawfully Present	402,200	300,347	702,547
ED Visits Indicated Not Lawfully Present	20,672	19,086	39,758
ED Visits Declined To Answer	177,092	172,107	349,199
Total Ed Visits	2,269,998	2,517,631	4,787,629
Percent Illegal ED Visit	0.91%	0.76%	0.83%
Percent Declined to Answer ED Visits	7.80%	6.84%	7.29%

*As of 2/16/24: Q3 data missing 2 hospitals that have not reported and Q4 missing 20 hospitals that have not reported. Missing data not likely to materially change the percentage of illegal admits or declined to answer ratios.

The Impact of Uncompensated Care on the Cost or Ability of Hospitals to Provide Services to the Public, Hospital Funding Needs, and Other Related Information.

Uncompensated Care Definition: For the purposes of this report, uncompensated care is defined as the combination of charity care and charges written off as bad debt.

- **Charity Care** is that portion of hospital charges for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level.
- **Bad Debt** is that portion of hospital charges that the hospital is entitled to but is unable to collect despite the best efforts of the hospital to do so.

General Impact of Uncompensated Care: When any business has customers who do not pay for products or services, that lack of revenue will negatively impact the overall profitability of the business. Hospitals are no exception. Uncompensated care incurs an expense for care provided without any corresponding revenue to cover the expense of that care. In other words, hospitals have to pay for the cost of staff, equipment, and buildings to deliver the service regardless of the individual receiving the service's ability to pay. This means that the hospital will have to fill the gap left by the lack of revenue via a combination of reduced profit, reduced costs through increased efficiencies, and/or increase revenue from other paying customers/insurers/government payors in order to remain viable and continue to deliver services.

Uncompensated Care History: From a statewide perspective, uncompensated care has declined for much of the last decade. Statewide hospital financial data reported for fiscal years ending 2013 through 2022 show a decline in every year in uncompensated care as a share of total charges with the exception of 2018 where there was a slight uptick in uncompensated care. In 2022 uncompensated care represented 3.8% of charges down from 6.2% in 2014.

The Impact of Uncompensated Care for Aliens who are not Lawfully Present in the United States: Based on the quarterly patient immigration data submitted to the Agency, approximately 0.82% of all hospital admissions and emergency room visits combined were by patients who were not legally in the country. It is unclear how many of the 0.82% were able to pay for all or a portion of the services provided.

It should be noted that approximately 7.5% of admissions and emergency department visits were reported as declined to answer. Presumably some portion of those responses contain respondents who were in the country illegally. Some facilities had issues in the early weeks of collecting data and may have used this category when data collection was missing and/or for patients who were unable to respond due to their medical condition.

Costs – The total approximate cost of care provided to illegal immigrants is greater than **\$566 million**. According to the FHURS data, in 2022 total hospital operating expenses were \$69 billion dollars. Applying the uncompensated care number of 3.76% statewide total cost of care results in approximately \$2.6 billion in care provided that was not covered directly through Medicare, Medicaid, private insurance, or self-pay ($\$69,050,695,879 \times 0.0376 = \$2,596,306,165$). Applying the reported illegal immigration percentage of 0.82% to that same total expense results in a cost of approximately \$573 million in care provided to illegal aliens ($\$69,050,695,879 \times 0.0082 = \$566,215,706$).

As indicated above, it is unclear how much of that care provided to illegal aliens was uncompensated. It is also unclear what percentage of the declined to answer respondents were actually illegal aliens. With that said, the possible range of cost of uncompensated care for illegal aliens cannot exceed the total cost of uncompensated care statewide of \$2.6 billion (this would assume all uncompensated care was from illegal immigration) or be lower than zero (this would assume no uncompensated care was from illegal aliens). The actual number is likely somewhere between these values.

Additional Observations: We were not able to find any obvious correlation between the level of uncompensated care and the level of illegal aliens presenting at the hospital. High levels of uncompensated care are more associated with rural county status than illegal immigration percentages. There also did not appear to be a correlation between total profitability and illegal immigration percentages. All the counties that had negative profit margins had below average illegal immigration ratios.

It should be noted that hospitals have other funding mechanisms to help close the gap on uncompensated care (for example local taxing districts and statewide indigent care programs). However, most of these funding sources come either directly or indirectly from taxpayers. It should also be noted that increasing population has and will continue to put a strain on limited health care resources, driving up costs. Specifically professional staffing, such as doctors and nurses, are in short supply relative to the increasing demand. As the population increases (whether from legal or illegal migration to the State) the number of health care professionals will also need to increase to meet the demand. Otherwise, as demand outpaces supply, costs will likely increase at a faster pace than inflation. The cost of illegal immigrants certainly contributes to this strain on the health care system.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal and
Civil Justice, *Chair*
Children, Families, and Elder Affairs, *Vice Chair*
Appropriations
Appropriations Committee on Health and
Human Services
Criminal Justice
Ethics and Elections
Rules

SENATOR ILEANA GARCIA

36th District

January 27, 2025

Dear Honorable Chair Hooper,

I hope this message finds you well. I am writing to formally request to excuse myself due to a family emergency that requires my immediate attention.

Unfortunately, this unforeseen circumstance necessitates my absence from the meeting of the Committee on Appropriations on 01/27/2025 from 2:00-4:00pm.

Thank you for your understanding and support during this time. I appreciate your consideration.

Sincerely,

Senator Ileana García

REPLY TO:

- 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841
- 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

Guadalupe

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/27/25

Meeting Date

2B

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name

David Ramba

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Supervisors of Election

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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January 27, 2025

Meeting Date

2B

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Pamela Burch FORT

Phone 850-425-1344

Address 104 South Monroe Street

Email Tcglobby@aol.com

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ACLU of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/25

Meeting Date

5323

Bill Number or Topic

AppROP

Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST
Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL PBA
FLP CHAPTER

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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23

Bill Number or Topic

Amendment Barcode (if applicable)

1/27/25

Meeting Date

Appropriations

Committee

Name JONATHAN WEBBER

Phone 954-593-4449

Address 400 Washington Ave

Email JONATHAN.WEBBER@splcenter.org

Street

M Montgomery

AL

36104

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Southern Poverty Law Center

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/27/25 Meeting Date

Appropriations Committee

SB 2 Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St. Street

Email kcfep@yahoo.com

Tallahassee, FL 32301 City State Zip

Speaking: [] For [x] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FL Center for Fiscal & Economic Policy

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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