

Committee on Appropriations

CS/SB 2-B — Immigration

by Appropriations Committee and Senators Gruters and Fine

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 the federal government, state entities, local governmental entities, and law enforcement agencies 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.

The bill provides the chief immigration officer may enforce compliance with immigration detainers and impose a financial penalty for noncompliance.

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 (DACCS). 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. The 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 and 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.

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Local Law Enforcement Federal Participation Incentive Program

The bill creates the Local Law Enforcement Federal Participation Incentive Program under the Office. The purpose of the program is to administer one-time bonus payments of up to \$1,000 to local law enforcement officers in this state who participate in at large task force operations with the U.S. Department of Homeland Security.

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:

- Requiring the death penalty if an unauthorized alien is convicted of a capital felony;
- Reclassifying misdemeanor and felony crimes if the defendant is an unauthorized alien;
- Adding transnational crime organizations to the list of organizations that may be a criminal gang;
- Requiring dangerous unauthorized alien offenders to be sentenced to the maximum penalty for any felony offense;
- Creating a new third degree felony if an unauthorized alien votes;
- Creating a new third degree felony for aiding or soliciting an unauthorized alien to vote;
- Adding aiding or soliciting an unauthorized alien to vote to the list of crimes that may constitute racketeering activity; and
- Ranking specified crimes related to unauthorized alien voting.

The bill requires local enforcement agencies 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 provides legislative intent that the state meets all minimum security standards of the REAL ID Act, for driver licenses and identification cards. Only driver records from states that are compliant with the REAL ID Act will be considered satisfactory for purposes of proof of identity.

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

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 21-16; House 82-30