

THE FLORIDA LEGISLATURE



BEN ALBRITTON
President of the Senate



DANIEL PEREZ
Speaker of the House of Representatives

MEMORANDUM

TO: All Legislators
FROM: Ben Albritton, President
Daniel Perez, Speaker
SUBJECT: Improvements to the TRUMP Act
DATE: January 28, 2025

One of the downsides to a special session is the frenetic pace, which can cause delays as improvements are made to legislation. We appreciate your patience and understanding.

As you know, the TRUMP Act was filed early yesterday and passed out of House and Senate Committees. Last night, we requested and received technical assistance from the Trump Administration. We made specific improvements to the TRUMP Act to further align state law with the renewed and expanded enforcement of federal immigration law under President Trump. Below you will find an outline of the enhancements we will incorporate on the Floor later today.

- Mandatory Death Penalty:** If an illegal immigrant is convicted of a capital offense, including murder or rape of a child, the death penalty is mandatory.
- Parallel Criminal Penalties:** The TRUMP Act reclassifies criminal penalties when an illegal alien has been deported and then returns to our state and commits a crime. Today's amendment reclassifies criminal penalties for all illegal immigrants who commit crimes in our state.
- Sentencing Enhancements for Illegal Immigrant Gang Members:** A criminal illegal immigrant who is a member of a gang and commits a crime will receive the maximum sentence allowed for that crime.

4. **Policing Transnational Gangs:** The State Immigration Enforcement Council, led by the Chief Immigration Officer and local law enforcement, will recommend strategies for expanded information sharing that will allow for use of federal information centers and units to collect intelligence from local law enforcement to help ICE to enforce federal immigration law and police transnational criminal organizations.
5. **Shoring Up 287(g) Agreements:** The bill requires the Chief Immigration Officer to review agreements and as part of the responsibility, the Chief Immigration Officer will also do the following:
 - a. **Continuity of Operations:** All 287(g) agreements must be approved by the Chief Immigration Officer. This ensures continuity of operations when a change in leadership occurs at the local level.
 - b. **Ensuring Robust Agreements:** As part of the oversight role, the Chief Immigration Officer will ensure agreements are robust enough to cover the anticipated needs of the federal government in various jurisdictions and determine strategies for enhancing agreements in communities that may need more resources.
 - c. **Regional Expansion of 287(g) Partnership Agreements:** As part of his oversight role, the Chief Immigration will work with the State Immigration Enforcement Council to review participation in the 287(g) program across the state and recommend actions to maximize participation.
6. **Terminology Consistency:** Certain terminology will be updated to be more consistent with federal law. For example, Title 8 of the U.S. Code uses the term “unauthorized alien” to refer to an illegal immigrant.
7. The TRUMP Act makes several changes to ensure personal documents are updated to reflect changes in immigration status. The amendment will clarify the following:
 - a. **Immigrant Visas:** The amendment will update references to clarify that the federal government, not specifically the Department of Homeland Security, issues immigrant visas.
 - b. **Real ID Compliance:** Florida is already compliant with federal Real ID guidelines. The bill clarifies the state’s intent to only accept Real ID compliant identification.
8. **Enhanced Compliance Requirements:** Florida law bans sanctuary jurisdictions and provides enforcement options when public officials fail to comply. The amendment will expand this requirement to allow the Chief Immigration Officer to enforce this provision and the court to apply financial penalties for non-compliance.

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9. **Financial Incentives For Law Enforcement:** The Chief Immigration Officer will develop a bonus program for trained law enforcement officers who assist with ICE Task Forces. \$25 million within the funds already appropriated in the bill is reserved for this purpose.
10. **Criminal History Information Sharing:** The amendment directs the Chief Immigration Officer to actively seek congressional action to amend the National Crime Prevention and Privacy Act to require the sharing of a person's immigration status for the criminal justice purposes.