Committee on Appropriations

SB 2-C — Immigration
by Senators Gruters and Fine

The bill (Chapter 2025-1, L.O.F.) creates the State Board of Immigration Enforcement (board) within the Florida Department of Law Enforcement (FDLE). The Governor and Cabinet will serve as the agency head of the board, and all board action must be by unanimous vote. The board is the chief immigration enforcement officer and must:

- Serve as a resource for the U.S. Immigration and Customs Enforcement (ICE).
- Coordinate and cooperate with the Federal Government in matters related to immigration.
- Coordinate with and provide assistance to law enforcement related to the enforcement of federal immigration laws and monitor local government compliance with ch. 908, F.S.
- Administer the Local Law Enforcement Grant Program.
- Collect data related to operations with the ICE from law enforcement agencies and report annually, by December 15, to the Legislature on data collected, the level or coordination and cooperation with the federal government, recommendations for improvement in the coordination and cooperation with the Federal Government, and the number of trained officers under the federal 287(g) program in this state.
- Actively seek Congressional action to amend the National Crime Prevention and Privacy Compact to require party states to share information related to an individual's immigration status.
- Report to the Legislature by March 24, 2025, the number of vacant beds available in state correctional institutions and facilities and county detention facilities which can be sublet to the ICE for use as detention beds.

Immigration Enforcement Council

The bill creates the State Board of Immigration Enforcement Council (council) for the purpose of advising the board. The council is composed of eight members. The Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture must each appoint one police chief and the President of the Senate and the Speaker of the House must each appoint two sheriffs. The council must unanimously elect a sheriff from among the council's membership to serve as chair.

The council must meet by April 1, 2025, and quarterly thereafter. The council must, in part:

- Assist the board, upon unanimous request by the board, with issues related to immigration enforcement.
- Recommend to the board expenses related to federal 287(g) program participation that should be reimbursable under the Local Law Enforcement Immigration Grant Program (described below) and funding criteria for the grant program.
- Request guidance from the ICE for training opportunities and strategies to further federal 287(g) program participation and make related recommendations to the board to expand the grant program to reimburse costs related to new training activities.
- Advise the board on the efforts of local law enforcement agencies' efforts related to enforcement of federal immigration laws.

- Provide recommendations on financial and other resources necessary to aid local law enforcement agencies.
- Provide recommendations to enhance information sharing between state entities, local governmental entities, law enforcement agencies, and the Federal Government in the enforcement of federal immigration laws. The recommendations must provide for enhanced use and coordination of the following centers, including but not limited to:
  - The Federal Bureau of Investigation's Terrorist Screening Center.
  - The U.S. Customs and Border Protection's National Targeting Center.
  - The U.S. Department of Homeland Security Fusion Center.
  - The U.S. Drug Enforcement Administration's Special Operations Unit.
- Provide recommendations on strategies to increase the number of available detention beds for use by the ICE.
- Upon unanimous request of the board, assist the board in data collection from law enforcement agencies for the board's annual report.

Local Law Enforcement Immigration Grant Program

The bill creates the Local Law Enforcement Immigration Grant Program within the board to award grants to support local law enforcement agencies in their cooperation and coordination with federal immigration agencies. The board must award any funds specifically appropriated for the program to reimburse expenses or provide bonus payments. The council is directed to make recommendations to the board on other expenses that should be reimbursable and funding criteria for the program.

The bill appropriates the sum of $250 million in nonrecurring funds from the General Revenue Fund for the program.

Enforcing Cooperation with Federal Immigration Authorities

The bill provides that a state entity, local governmental entity, or law enforcement agency, may not prohibit or in any way restrict a law enforcement officer from executing or assisting in the execution of a lawful judicial warrant.

Additionally, the term "sanctuary policy" is amended to include any law, policy, practice, procedure, or custom adopted to prohibit or impede a law enforcement agency from:
- Executing a lawful judicial warrant; or
- Participating in a federal immigration operation with a federal immigration agency as permitted by federal and state law.

The bill specifies that any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor, *including potential suspension from office.*

Unauthorized Alien Transport Program

The bill codifies the Unauthorized Alien Transport Program within the Division of Emergency Management (DEM) for the purpose of facilitating the transport of unauthorized aliens, consistent with federal law. The ICE must specifically request assistance from the DEM with transportation of unauthorized aliens under the direct control and supervision of the ICE and must reimburse the state for the actual cost associated with the transportation.

Other Immigration Provisions

The bill makes numerous changes to enhance criminal penalties for offenses committed by unauthorized aliens, to provide requirements for driver licenses, and to modify eligibility requirements for out-of-state tuition fee waivers.

Criminal Justice Provisions

The bill makes various changes to criminal penalties and pretrial release and detention procedures. These changes include:
- 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 unqualified noncitizen votes;
- Creating a new third-degree felony for aiding or soliciting an unqualified noncitizen to vote;
- Adding aiding or soliciting a noncitizen to vote to the list of crimes that may constitute racketeering activity;
- Ranking specified crimes related to unauthorized alien voting; and
- Creating a rebuttable presumption that an unauthorized alien is a flight risk for purposes of pretrial release. If an unauthorized alien cannot demonstrate by a preponderance of the evidence that he or she is not a flight risk, he or she must be detained.

The bill requires law 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.

These provisions became law upon approval by the Governor on February 13, 2025, except as otherwise provided.

Vote: Senate 27-10; House 85-30

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