

THE FLORIDA SENATE
2025-C SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

SB 4-C — Immigration

by Senators Gruters and Fine

The bill (Chapter 2025-2, L.O.F.) directs the division of law to create ch. 811, F.S., to be entitled “Unauthorized Aliens, Nationality, and Immigration.” The bill creates the *crimes of illegal entry* and *illegal reentry* within this chapter. Each of these crimes exist in federal law, and some states, such as Texas, have passed similar legislation.

Unauthorized Aliens, Nationality, and Immigration

Crimes of Illegal Entry and Reentry

The bill creates s. 811.102, F.S., to create the crime of illegal entry by an adult unauthorized alien into this state. An adult unauthorized alien who knowingly enters or attempts to enter this state after entering the United States by eluding or avoiding examination or inspection by immigration officers commits a first degree misdemeanor. A person convicted of this offense must be sentenced to a mandatory minimum term of imprisonment of nine months.

- A second violation is a third degree felony and requires a mandatory minimum term of imprisonment of one year and one day.
- A third or subsequent violation is a third degree felony and requires a mandatory minimum term of imprisonment of two years.

The bill provides for an affirmative defense, and that any person may not be arrested for this offense if he or she encountered law enforcement during the investigation of another crime that occurred in this state and the person witnessed or reported such crime or was a victim of such crime.

The bill creates s. 811.103, F.S., to create the crime of illegal reentry of an adult unauthorized alien. An adult unauthorized alien commits a third degree felony if he or she, after having been denied admission, excluded, deported, or removed or having departed the United States during the time an order of exclusion, deportation, or removal is outstanding, thereafter enters, attempts to enter, or is at any time found in this state. A person who is convicted of this crime must be sentenced to a mandatory minimum term of imprisonment of one year and one day. The bill provides exceptions to this crime. An unauthorized alien who:

- Has three or more prior misdemeanor or felony convictions, other than a forcible felony, or an aggravated felony, and who commits the crime of illegal reentry, commits a third degree felony and must be sentenced to a mandatory minimum term of imprisonment of two years.
- Has a prior conviction for a forcible felony, or an aggravated felony and who commits the crime of illegal reentry commits a second degree felony and must be sentenced to a mandatory minimum term of imprisonment for five years.

The court must presume that no conditions of release can reasonably assure the presence of an unauthorized alien who is arrested for illegal reentry, and such person must be detained pending the disposition of his or her case.

Additionally, the bill provides that a person arrested for illegal entry or illegal reentry is not eligible for civil citation or various diversion programs, and requires law enforcement agencies to report such arrest to the federal government.

Death Penalty

The bill creates s. 921.1426, F.S., to provide that the court must sentence a defendant who is an unauthorized alien and who is convicted or adjudicated guilty of a capital felony to a sentence of death.

These provisions became law upon approval by the Governor on February 13, 2025.

Vote: Senate 25-11; House 85-29