

1                   A bill to be entitled  
2           An act relating to unlawful immigration; amending s.  
3           97.051, F.S.; revising the oath taken by a person  
4           registering to vote; creating ss. 125.0156 and  
5           166.246, F.S.; prohibiting counties and  
6           municipalities, respectively, from providing funds to  
7           any person, entity, or organization to issue  
8           identification documents to an individual who does not  
9           provide proof of lawful presence in the United States;  
10          creating s. 322.033, F.S.; specifying that certain  
11          driver licenses and permits issued by other states  
12          exclusively to unauthorized immigrants are not valid  
13          in this state; requiring law enforcement officers and  
14          authorized representatives of the Department of  
15          Highway Safety and Motor Vehicles to cite a person  
16          driving with a such a license; requiring the  
17          department to maintain a list on its website of out-  
18          of-state classes of driver licenses that are invalid  
19          in this state; amending s. 322.04, F.S.; revising the  
20          circumstances under which certain persons are exempt  
21          from obtaining a driver license; creating s. 395.3027,  
22          F.S.; requiring certain hospitals to collect patient  
23          immigration status data information on admission or  
24          registration forms; requiring a statement on such  
25          forms specifying that patient care will be unaffected;

26 requiring hospitals to submit quarterly reports to the  
27 Agency for Health Care Administration containing  
28 specified information; requiring the agency to submit  
29 an annual report to the Governor and the Legislature  
30 containing specified information; authorizing the  
31 agency to adopt rules; prohibiting rules requiring the  
32 disclosure of patient names to the agency; amending s.  
33 448.095, F.S.; requiring private employers to use the  
34 E-Verify system to verify the employment eligibility  
35 of persons who accept employment offers or renewals or  
36 extensions of employment contracts; requiring  
37 employers to retain a copy of the official  
38 verification obtained from the E-Verify system and  
39 supporting documentation for a specified amount of  
40 time; revising liability requirements for private  
41 employers relating to employment verification;  
42 authorizing the Department of Economic Opportunity to  
43 enforce requirements to use E-Verify and to conduct  
44 random audits of employers; revising the circumstances  
45 under which a private employer's licenses must be  
46 revoked; authorizing persons to file complaints with  
47 the department relating to the employment of  
48 unauthorized aliens; providing a criminal penalty for  
49 false or frivolous complaints; authorizing the  
50 department to investigate such complaints; requiring

51 the department to notify United States Immigration and  
 52 Customs Enforcement of unauthorized aliens under  
 53 certain circumstances; providing a criminal penalty  
 54 for providing a false identification document or  
 55 fraudulently using the identification document of  
 56 another person for the purpose of obtaining  
 57 employment; providing that certain actions are  
 58 considered deceptive and unfair trade practices  
 59 subject to specified provisions; amending s. 454.021,  
 60 F.S.; deleting a provision authorizing an unauthorized  
 61 immigrant to obtain a license to practice law in this  
 62 state under certain circumstances; providing  
 63 applicability; amending s. 943.325, F.S.; revising the  
 64 definition of the term "qualifying offender" to  
 65 include certain persons who are the subject of an  
 66 immigration detainer; requiring certain qualifying  
 67 offenders to submit DNA samples at a specified time;  
 68 requiring law enforcement agencies to immediately take  
 69 DNA samples from certain qualifying offenders under  
 70 certain circumstances; providing an effective date.

71  
 72 Be It Enacted by the Legislature of the State of Florida:

73  
 74 Section 1. Section 97.051, Florida Statutes, is amended to  
 75 read:

76           97.051 Oath upon registering.—A person registering to vote  
 77 must subscribe to the following oath: "I do solemnly swear (or  
 78 affirm) that I will protect and defend the Constitution of the  
 79 United States and the Constitution of the State of Florida, that  
 80 I am a citizen of the United States and a legal resident of  
 81 Florida, that I am qualified to register as an elector under the  
 82 Constitution and laws of the State of Florida, and that all  
 83 information provided in this application is true."

84           Section 2. Section 125.0156, Florida Statutes, is created  
 85 to read:

86           125.0156 Restriction on providing funds for identification  
 87 documents.—A county may not provide funds to any person, entity,  
 88 or organization for the purpose of issuing an identification  
 89 card or document to an individual who does not provide proof of  
 90 lawful presence in the United States.

91           Section 3. Section 166.246, Florida Statutes, is created  
 92 to read:

93           166.246 Restriction on providing funds for identification  
 94 documents.—A municipality may not provide funds to any person,  
 95 entity, or organization for the purpose of issuing an  
 96 identification card or document to an individual who does not  
 97 provide proof of lawful presence in the United States.

98           Section 4. Section 322.033, Florida Statutes, is created  
 99 to read:

100           322.033 Unauthorized aliens; invalid out-of-state driver

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101 licenses.-

102 (1) If a driver license is of a class of licenses issued  
103 by another state exclusively to undocumented immigrants who are  
104 unable to prove lawful presence in the United States when the  
105 licenses are issued, the driver license, or other permit  
106 purporting to authorize the holder to operate a motor vehicle on  
107 public roadways, is invalid in this state and does not authorize  
108 the holder to operate a motor vehicle in this state. Such  
109 classes of licenses include licenses that are issued exclusively  
110 to undocumented immigrants or licenses that are substantially  
111 the same as licenses issued to citizens, residents, or those  
112 lawfully present in the United States but have markings  
113 establishing that the license holder did not exercise the option  
114 of providing proof of lawful presence.

115 (2) A law enforcement officer or other authorized  
116 representative of the department who stops a person driving with  
117 an invalid license as described in subsection (1) and driving  
118 without a valid license shall issue a citation to the driver for  
119 driving without a license in violation of s. 322.03.

120 (3) The department, to facilitate the enforcement of this  
121 section and to aid in providing notice to the public and  
122 visitors of invalid licenses, shall maintain on its website a  
123 list of out-of-state classes of driver licenses that are invalid  
124 in this state.

125 Section 5. Section 322.04, Florida Statutes, is amended to

126 read:

127 322.04 Persons exempt from obtaining driver license.—

128 (1) The following persons are exempt from obtaining a  
129 driver license:

130 (a) Any employee of the United States Government, while  
131 operating a noncommercial motor vehicle owned by or leased to  
132 the United States Government and being operated on official  
133 business.

134 (b) Any person while driving or operating any road  
135 machine, farm tractor, or implement of husbandry temporarily  
136 operated or moved on a highway.

137 (c) A nonresident who is at least 16 years of age and who  
138 has in his or her immediate possession a valid noncommercial  
139 driver license issued to the nonresident in his or her home  
140 state or country operating a motor vehicle of the type for which  
141 a Class E driver license is required in this state, if the  
142 nonresident's license is not invalid under s. 322.033 relating  
143 to proof of the licensee's lawful presence in the United States.

144 (d) A nonresident who is at least 18 years of age and who  
145 has in his or her immediate possession a valid noncommercial  
146 driver license issued to the nonresident in his or her home  
147 state or country operating a motor vehicle, other than a  
148 commercial motor vehicle, in this state, if the nonresident's  
149 license is not invalid under s. 322.033 relating to proof of the  
150 licensee's lawful presence in the United States.

151 (e) Any person operating a golf cart, as defined in s.  
 152 320.01, which is operated in accordance with the provisions of  
 153 s. 316.212.

154 (2) This section does not apply to any person to whom s.  
 155 322.031 applies.

156 (3) Any person working for a firm under contract to the  
 157 United States Government whose residence is outside this state  
 158 and whose main point of employment is outside this state may  
 159 drive a noncommercial vehicle on the public roads of this state  
 160 for periods up to 60 days while in this state on temporary duty,  
 161 if the person has a valid driver license from the state of the  
 162 person's residence and if the license is not invalid under s.  
 163 322.033 relating to proof of the licensee's lawful presence in  
 164 the United States.

165 Section 6. Section 395.3027, Florida Statutes, is created  
 166 to read:

167 395.3027 Patient immigration status data collection.—

168 (1) Each hospital that accepts Medicaid must include a  
 169 provision on its patient admission or registration forms for the  
 170 patient or the patient's representative to state or indicate  
 171 whether the patient is a United States citizen or lawfully  
 172 present in the United States or is not lawfully present in the  
 173 United States. The inquiry must be followed by a statement that  
 174 the response will not affect patient care or result in a report  
 175 of the patient's immigration status to immigration authorities.

176        (2) Each hospital must submit a quarterly report to the  
177 agency within 30 days after the end of each calendar quarter  
178 which reports the number of hospital admissions or visits within  
179 the previous quarter that were made by a patient who indicated  
180 that he or she was a citizen of the United States or lawfully  
181 present in the United States, was not lawfully present in the  
182 United States, or declined to answer.

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

196        (4) The agency may adopt rules relating to the format and  
197 information to be contained in quarterly reports and the  
198 acceptable formats for hospitals to use in requesting  
199 information regarding a patient's immigration status on hospital  
200 admission or registration forms. The rules may not require the



201 disclosure of patient names to the agency.

202 Section 7. Subsection (4) of section 448.095, Florida  
 203 Statutes, is renumbered as subsection (7), new subsections (4),  
 204 (5), and (6) are added to that section, and subsection (3) of  
 205 that section is amended, to read:

206 448.095 Employment eligibility.—

207 (3) PRIVATE EMPLOYERS.—

208 (a) A private employer shall verify a person's employment  
 209 eligibility using the E-Verify system within 30 days ~~Beginning~~  
 210 ~~January 1, 2021, a private employer shall,~~ after making an offer  
 211 of employment which has been accepted by a person, and within 30  
 212 days after a person accepts a renewal or extension of an  
 213 employment contract with the employer. The employer must retain  
 214 a copy of the official verification generated by the E-Verify  
 215 system and any supporting documentation used to generate the  
 216 verification for at least 3 years after the date the  
 217 verification was generated ~~verify such person's employment~~  
 218 ~~eligibility. A private employer is not required to verify the~~  
 219 ~~employment eligibility of a continuing employee hired before~~  
 220 ~~January 1, 2021. However, if a person is a contract employee~~  
 221 ~~retained by a private employer, the private employer must verify~~  
 222 ~~the employee's employment eligibility upon the renewal or~~  
 223 ~~extension of his or her contract.~~

224 ~~(b) A private employer shall verify a person's employment~~  
 225 ~~eligibility by:~~

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226           ~~1. Using the E-Verify system; or~~  
227           ~~2. Requiring the person to provide the same documentation~~  
228 ~~that is required by the United States Citizenship and~~  
229 ~~Immigration Services on its Employment Eligibility Verification~~  
230 ~~form (Form I-9). The private employer must retain a copy of the~~  
231 ~~documentation provided under this subparagraph for at least 3~~  
232 ~~years after the person's initial date of employment.~~

233           (b)(e) A private employer that reasonably and in good  
234 faith relies on identification documents submitted by an  
235 applicant or employee and complies with this subsection may not  
236 be held civilly or criminally liable under state law for hiring,  
237 continuing to employ, or refusing to hire an unauthorized alien  
238 if the information obtained from the E-Verify system pursuant to  
239 paragraph (a) under paragraph (b) indicates that the person's  
240 work authorization status was not that of an unauthorized alien.

241           ~~(d) For purposes of this subsection, compliance with~~  
242 ~~paragraph (b) creates a rebuttable presumption that a private~~  
243 ~~employer did not knowingly employ an unauthorized alien in~~  
244 ~~violation of s. 448.09(1).~~

245           (c)(e) For the purpose of enforcement of this section, the  
246 following persons or entities may request, and a private  
247 employer must provide, copies of any documentation relied upon  
248 by the private employer for the verification of a person's  
249 employment eligibility, ~~including, but not limited to, any~~  
250 ~~documentation required under paragraph (b):~~

- 251 1. The Department of Law Enforcement.
- 252 2. The Attorney General.
- 253 3. The state attorney.
- 254 4. The statewide prosecutor.
- 255 5. The Department of Economic Opportunity.

256  
 257 A person or entity that makes a request under this paragraph  
 258 must rely upon the federal government to verify a person's  
 259 employment eligibility and may not independently make a final  
 260 determination as to whether a person is an unauthorized alien.

261 (d) The Department of Economic Opportunity is authorized  
 262 to conduct random audits of employers for compliance with  
 263 paragraph (a). The department may not audit an employer more  
 264 than once every 5 years unless an audit within the previous 24  
 265 months found the employer out of compliance with paragraph (a)  
 266 or the employer or an agent or employee of the employer was  
 267 convicted of employing an unauthorized alien in violation of s.  
 268 448.09 or in violation of federal immigration law.

269 (e) ~~(f)~~ If a private employer does not comply with  
 270 paragraph (a) ~~(b)~~, the department shall require the private  
 271 employer to provide an affidavit to the department stating that  
 272 the private employer will comply with paragraph (a) ~~(b)~~, the  
 273 private employer has terminated the employment of all  
 274 unauthorized aliens employed in this state, and the employer  
 275 will not intentionally or knowingly employ an unauthorized alien

276 | in this state. If the private employer does not provide the  
 277 | required affidavit within 30 days after the department's  
 278 | request, the appropriate licensing agency shall suspend all  
 279 | applicable licenses held by the private employer until the  
 280 | private employer provides the department with the required  
 281 | affidavit. For purposes of this paragraph, the licenses that are  
 282 | subject to suspension under this paragraph are all licenses that  
 283 | are held by the private employer specific to the business  
 284 | location where the unauthorized alien performed work. If the  
 285 | private employer does not hold a license specific to the  
 286 | business location where the unauthorized alien performed work,  
 287 | but a license is necessary to operate the private employer's  
 288 | business in general, the licenses that are subject to suspension  
 289 | under this paragraph are all licenses that are held by the  
 290 | private employer at the private employer's primary place of  
 291 | business.

292 |        (f)~~(g)~~ For any private employer found to have violated  
 293 | paragraph (e) two ~~(f) three~~ times within any 24-month ~~36-month~~  
 294 | period, the appropriate licensing agency shall permanently  
 295 | revoke all licenses that are held by the private employer  
 296 | specific to the business location where the unauthorized alien  
 297 | performed work. If the private employer does not hold a license  
 298 | specific to the business location where the unauthorized alien  
 299 | performed work, but a license is necessary to operate the  
 300 | private employer's business in general, the appropriate

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301 licensing agency shall permanently revoke all licenses that are  
302 held by the private employer at the private employer's primary  
303 place of business.

304 (g) A person who has a good faith belief that an employer  
305 is employing an unauthorized alien may file a complaint with the  
306 department.

307 (h) A person who knowingly files a false or frivolous  
308 complaint under this subsection, including any complaint that  
309 violates federal law, commits a misdemeanor of the second  
310 degree, punishable as provided in s. 775.082 or s. 775.083.

311 (i) Upon receipt of a valid complaint substantiated by  
312 evidence of a violation of paragraph (a), the department must  
313 notify the employer of the complaint and direct the employer to  
314 notify any employees named in the complaint.

315 (j) The department shall request that the Federal  
316 Government verify, pursuant to 8 U.S.C. s. 1373(c), the  
317 citizenship or immigration status of any employee named in the  
318 complaint, and the department must rely upon such verification.

319 (k) Upon finding that an employer has violated paragraph  
320 (a), the department must notify United States Immigration and  
321 Customs Enforcement of the identity of the unauthorized alien  
322 and, if known, the physical address at which the unauthorized  
323 alien resides.

324 (4) CRIMINAL PENALTY FOR VIOLATION.—Any person who  
325 knowingly uses a false identification document, or fraudulently

326 uses the identification document of another person, for the  
 327 purpose of obtaining employment commits a felony of the third  
 328 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 329 775.084.

330 (5) CONSTRUCTION.-This section shall be enforced without  
 331 regard to race, color, or national origin and shall be construed  
 332 in a manner so as to be fully consistent with any applicable  
 333 federal laws or regulations.

334 (6) DECEPTIVE AND UNFAIR TRADE PRACTICES.-Acts, conduct,  
 335 practices, omissions, failings, misrepresentations, or  
 336 nondisclosures committed in violation of this section are  
 337 deceptive and unfair trade practices under ss. 501.201-501.213,  
 338 The Florida Deceptive and Unfair Trade Practices Act, and  
 339 administrative rules adopted in accordance with the act. Any  
 340 consumer as defined in s. 501.203(7), may file a complaint  
 341 against a public employer, private employer, contractor, or  
 342 subcontractor, for violations of the act.

343 Section 8. Effective November 1, 2026, subsection (3) of  
 344 section 454.021, Florida Statutes, is amended to read:

345 454.021 Attorneys; admission to practice law; Supreme  
 346 Court to govern and regulate.-

347 ~~(3) Upon certification by the Florida Board of Bar~~  
 348 ~~Examiners that an applicant who is an unauthorized immigrant who~~  
 349 ~~was brought to the United States as a minor; has been present in~~  
 350 ~~the United States for more than 10 years; has received~~

351 ~~documented employment authorization from the United States~~  
 352 ~~Citizenship and Immigration Services (USCIS); has been issued a~~  
 353 ~~social security number; if a male, has registered with the~~  
 354 ~~Selective Service System if required to do so under the Military~~  
 355 ~~Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all~~  
 356 ~~requirements for admission to practice law in this state, the~~  
 357 ~~Supreme Court of Florida may admit that applicant as an attorney~~  
 358 ~~at law authorized to practice in this state and may direct an~~  
 359 ~~order be entered upon the court's records to that effect.~~

360 Section 9. The repeal of s. 454.021(3), Florida Statutes,  
 361 in this act does not affect the validity of any license to  
 362 practice law issued pursuant to that subsection before November  
 363 1, 2026.

364 Section 10. Section 787.07, Florida Statutes, is amended  
 365 to read:

366 787.07 Human smuggling.—

367 (1) A person who knowingly and willfully:

368 (a) Transports into or within this state an individual  
 369 whom ~~who~~ the person knows, or reasonably should know, has ~~is~~  
 370 illegally entered ~~entering~~ the United States in violation of law  
 371 and has not been inspected by the United States Government since  
 372 his or her unlawful entry; or ~~from another country~~

373 (b) Conceals, harbors, or shields from detection, or  
 374 attempts to conceal, harbor, or shield from detection, in any  
 375 place within this state, including any temporary or permanent

376 structure or any means of transportation, an individual whom the  
 377 person knows, or reasonably should know, has entered the United  
 378 States in violation of law and who has not been inspected by the  
 379 United States Government since his or her unlawful entry,

380  
 381 commits a felony of the third degree, punishable as provided in  
 382 s. 775.082, s. 775.083, or s. 775.084.

383 (c) For purposes of this section, an individual has been  
 384 inspected by the United States if he or she has been processed  
 385 by the United States Government for admission into the United  
 386 States in accordance with the federal Immigration and  
 387 Nationality Act, 8 U.S.C. ss. 1101 et seq.

388 (2) A person who violates subsection (1) by transporting,  
 389 concealing, harboring, or shielding from detection, or by  
 390 attempting to transport, conceal, harbor, or shield from  
 391 detection, within this state, any child younger than 18 years of  
 392 age commits a felony of the second degree, punishable as  
 393 provided in s. 775.082, s. 775.083, or s. 775.084.

394 (3)~~(2)~~ A person commits a separate offense for each  
 395 individual he or she transports, conceals, harbors, or shields  
 396 from detection, or attempts to transport, conceal, harbor, or  
 397 shield from detection, ~~into this state~~ in violation of this  
 398 section.

399 (4) A person who commits five or more separate offenses  
 400 under this section during a single episode commits a felony of



401 the second degree, punishable as provided in s. 775.082, s.  
402 775.083, or s. 775.084.

403 (5) (a) A person with a prior conviction under this section  
404 who commits a violation of subsection (1) commits a felony of  
405 the second degree, punishable as provided in s. 775.082, s.  
406 775.083, or s. 775.084.

407 (b) A person with a prior conviction under this section  
408 who commits a violation of subsection (2) or subsection (4)  
409 commits a felony of the first degree, punishable as provided in  
410 s. 775.082, s. 775.083, or 775.084.

411 (c) For purposes of this subsection, the term "conviction"  
412 means a determination of guilt that is the result of a plea or a  
413 trial, regardless of whether adjudication is withheld or a plea  
414 of nolo contendere is entered.

415 (6) Proof that a person knowingly and willfully presented  
416 false identification or gave false information to a law  
417 enforcement officer who is conducting an investigation for any  
418 violation of this section, gives rise to an inference that such  
419 person was aware that the transported, concealed, harbored, or  
420 shielded individual had entered into the United States in  
421 violation of law and had not been inspected by the United States  
422 Government since his or her unlawful entry.

423 (7) A person arrested for a violation of this section  
424 shall be held in custody until brought before the court for  
425 admittance to pretrial release in accordance with chapter 903.

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426 Section 11. Section 908.104, Florida Statutes, is amended  
427 to read:

428 908.104 Cooperation with federal immigration authorities.—

429 (1) A law enforcement agency shall use best efforts to  
430 support the enforcement of federal immigration law. This  
431 subsection applies to an official, representative, agent, or  
432 employee of the entity or agency only when he or she is acting  
433 within the scope of his or her official duties or within the  
434 scope of his or her employment.

435 (2) Except as otherwise expressly prohibited by federal  
436 law, a state entity, local governmental entity, or law  
437 enforcement agency, or an employee, an agent, or a  
438 representative of the entity or agency, may not prohibit or in  
439 any way restrict a law enforcement agency from taking any of the  
440 following actions with respect to information regarding a  
441 person's immigration status:

442 (a) Sending the information to or requesting, receiving,  
443 or reviewing the information from a federal immigration agency  
444 for purposes of this chapter.

445 (b) Recording and maintaining the information for purposes  
446 of this chapter.

447 (c) Exchanging the information with a federal immigration  
448 agency or another state entity, local governmental entity, or  
449 law enforcement agency for purposes of this chapter.

450 (d) Using the information to comply with an immigration

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451 | detainer.

452 |       (e) Using the information to confirm the identity of a  
453 | person who is detained by a law enforcement agency.

454 |       (3)(a) For purposes of this subsection, the term  
455 | "applicable criminal case" means a criminal case in which:

456 |           1. The judgment requires the defendant to be confined in a  
457 | secure correctional facility; and

458 |           2. The judge:

459 |           a. Indicates in the record under s. 908.105 that the  
460 | defendant is subject to an immigration detainer; or

461 |           b. Otherwise indicates in the record that the defendant is  
462 | subject to a transfer into federal custody.

463 |       (b) In an applicable criminal case, when the judge  
464 | sentences a defendant who is the subject of an immigration  
465 | detainer to confinement, the judge shall issue an order  
466 | requiring the secure correctional facility in which the  
467 | defendant is to be confined to reduce the defendant's sentence  
468 | by a period of not more than 12 days on the facility's  
469 | determination that the reduction in sentence will facilitate the  
470 | seamless transfer of the defendant into federal custody. For  
471 | purposes of this paragraph, the term "secure correctional  
472 | facility" means a state correctional institution as defined in  
473 | s. 944.02 or a county detention facility or a municipal  
474 | detention facility as defined in s. 951.23.

475 |       (c) If the information specified in sub-subparagraph

476 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time  
477 the sentence is pronounced in the case, but is received by a law  
478 enforcement agency afterwards, the law enforcement agency shall  
479 notify the judge who shall issue the order described by  
480 paragraph (b) as soon as the information becomes available.

481 (4) When a county correctional facility or the Department  
482 of Corrections receives verification from a federal immigration  
483 agency that a person subject to an immigration detainer is in  
484 the law enforcement agency's custody, the agency may securely  
485 transport the person to a federal facility in this state or to  
486 another point of transfer to federal custody outside the  
487 jurisdiction of the law enforcement agency. The law enforcement  
488 agency may transfer a person who is subject to an immigration  
489 detainer and is confined in a secure correctional facility to  
490 the custody of a federal immigration agency not earlier than 12  
491 days before his or her release date. A law enforcement agency  
492 shall obtain judicial authorization before securely transporting  
493 an alien to a point of transfer outside of this state.

494 (5) This section does not require a state entity, local  
495 governmental entity, or law enforcement agency to provide a  
496 federal immigration agency with information related to a victim  
497 of or a witness to a criminal offense that occurred in the  
498 United States if:

499 (a) The victim or witness timely and in good faith  
500 responds to the entity's or agency's request for information and

501 cooperation in the investigation or prosecution of the offense;~~;~~

502 (b) The crime occurred 5 years before the alien's claim of  
 503 relief under this section is made; and

504 (c) The crime that the alien is claiming to be a victim of  
 505 or witness to is unrelated to the crime for which the alien was  
 506 arrested.

507  
 508 In order to be eligible for relief under this subsection, the  
 509 victim or witness must submit a law enforcement certification  
 510 completed by a certifying agency. For purposes of this  
 511 subsection, certifying agencies include all authorities  
 512 responsible for the investigation, prosecution, conviction or  
 513 sentencing of the crime. The law enforcement certification is a  
 514 required piece of evidence to confirm the victim or witness  
 515 responded to and cooperated in the investigation or prosecution  
 516 of the offense.

517 (6) A state entity, local governmental entity, or law  
 518 enforcement agency that, pursuant to subsection (5), withholds  
 519 information regarding the immigration information of a victim of  
 520 or witness to a criminal offense shall document the victim's or  
 521 witness's cooperation in the entity's or agency's investigative  
 522 records related to the offense and shall retain the records for  
 523 at least 10 years for the purpose of audit, verification, or  
 524 inspection by the Auditor General.

525 (7) This section does not authorize a law enforcement

526 agency to detain an alien unlawfully present in the United  
 527 States pursuant to an immigration detainer solely because the  
 528 alien witnessed or reported a crime or was a victim of a  
 529 criminal offense.

530 ~~(8) This section does not apply to any alien unlawfully~~  
 531 ~~present in the United States if he or she is or has been a~~  
 532 ~~necessary witness or victim of a crime of domestic violence,~~  
 533 ~~rape, sexual exploitation, sexual assault, murder, manslaughter,~~  
 534 ~~assault, battery, human trafficking, kidnapping, false~~  
 535 ~~imprisonment, involuntary servitude, fraud in foreign labor~~  
 536 ~~contracting, blackmail, extortion, or witness tampering.~~

537 Section 12. Paragraph (g) of subsection (2) and paragraph  
 538 (a) of subsection (3) of section 943.325, Florida Statutes, are  
 539 amended, and paragraph (f) is added to subsection (7) of that  
 540 section, to read:

541 943.325 DNA database.—

542 (2) DEFINITIONS.—As used in this section, the term:

543 (g) "Qualifying offender" means any person, including  
 544 juveniles and adults, who is:

545 1.a. Committed to a county jail;

546 b. Committed to or under the supervision of the Department  
 547 of Corrections, including persons incarcerated in a private  
 548 correctional institution operated under contract pursuant to s.  
 549 944.105;

550 c. Committed to or under the supervision of the Department

551 of Juvenile Justice;

552 d. Transferred to this state under the Interstate Compact  
553 on Juveniles, part XIII of chapter 985; or

554 e. Accepted under Article IV of the Interstate Corrections  
555 Compact, part III of chapter 941; and who is:

556 2.a. Convicted of any felony offense or attempted felony  
557 offense in this state or of a similar offense in another  
558 jurisdiction;

559 b. Convicted of a misdemeanor violation of s. 784.048, s.  
560 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
561 offense that was found, pursuant to s. 874.04, to have been  
562 committed for the purpose of benefiting, promoting, or  
563 furthering the interests of a criminal gang as defined in s.  
564 874.03; ~~or~~

565 c. Arrested for any felony offense or attempted felony  
566 offense in this state; or

567 d. In the custody of a law enforcement agency and is  
568 subject to an immigration detainer issued by a federal  
569 immigration agency.

570 (3) COLLECTION OF SAMPLES.—

571 (a) Each qualifying offender shall submit a DNA sample at  
572 the time he or she is booked into a jail, correctional facility,  
573 or juvenile facility. A person who becomes a qualifying offender  
574 solely because of the issuance of an immigration detainer by a  
575 federal immigration agency must submit a DNA sample when the law

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576 enforcement agency having custody of the offender receives the  
577 detainer.

578 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

579 (f) A law enforcement agency having custody of a person  
580 who becomes a qualifying offender solely because of the issuance  
581 of an immigration detainer by a federal immigration agency shall  
582 ensure that a DNA sample is taken from the offender immediately  
583 after the agency receives the detainer and must secure and  
584 transmit the sample to the department in a timely manner.

585 Section 13. Except as otherwise expressly provided in this  
586 act, this act shall take effect July 1, 2023.