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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2023	.	
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The Committee on Fiscal Policy (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.0156, Florida Statutes, is created
to read:

125.0156 Restriction on providing funds for identification
documents.—A county may not provide funds to any person, entity,
or organization for the purpose of issuing an identification
card or document to an individual who does not provide proof of



11 lawful presence in the United States.

12 Section 2. Section 166.246, Florida Statutes, is created to
13 read:

14 166.246 Restriction on providing funds for identification
15 documents.—A municipality may not provide funds to any person,
16 entity, or organization for the purpose of issuing an
17 identification card or document to an individual who does not
18 provide proof of lawful presence in the United States.

19 Section 3. Section 322.033, Florida Statutes, is created to
20 read:

21 322.033 Unauthorized aliens; invalid out-of-state driver
22 licenses.—

23 (1) If a driver license is of a class of licenses issued by
24 another state exclusively to undocumented immigrants who are
25 unable to prove lawful presence in the United States when the
26 licenses are issued, the driver license, or other permit
27 purporting to authorize the holder to operate a motor vehicle on
28 public roadways, is invalid in this state and does not authorize
29 the holder to operate a motor vehicle in this state. Such
30 classes of licenses include licenses that are issued exclusively
31 to undocumented immigrants or licenses that are substantially
32 the same as licenses issued to citizens, residents, or those
33 lawfully present in the United States but have markings
34 establishing that the license holder did not exercise the option
35 of providing proof of lawful presence.

36 (2) A law enforcement officer or other authorized
37 representative of the department who stops a person driving with
38 an invalid license as described in subsection (1) and driving
39 without a valid license shall issue a citation to the driver for



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40 driving without a license in violation of s. 322.03.

41 (3) The department, to facilitate the enforcement of this
42 section and to aid in providing notice to the public and
43 visitors of invalid licenses, shall maintain on its website a
44 list of out-of-state classes of driver licenses that are invalid
45 in this state.

46 Section 4. Section 322.04, Florida Statutes, is amended to
47 read:

48 322.04 Persons exempt from obtaining driver license.—

49 (1) The following persons are exempt from obtaining a
50 driver license:

51 (a) Any employee of the United States Government, while
52 operating a noncommercial motor vehicle owned by or leased to
53 the United States Government and being operated on official
54 business.

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

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

65 (d) A nonresident who is at least 18 years of age and who
66 has in his or her immediate possession a valid noncommercial
67 driver license issued to the nonresident in his or her home
68 state or country operating a motor vehicle, other than a



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69 commercial motor vehicle, in this state, if the nonresident's
70 license is not invalid under s. 322.033 relating to proof of the
71 licensee's lawful presence in the United States.

72 (e) Any person operating a golf cart, as defined in s.
73 320.01, which is operated in accordance with the provisions of
74 s. 316.212.

75 (2) This section does not apply to any person to whom s.
76 322.031 applies.

77 (3) Any person working for a firm under contract to the
78 United States Government whose residence is outside this state
79 and whose main point of employment is outside this state may
80 drive a noncommercial vehicle on the public roads of this state
81 for periods up to 60 days while in this state on temporary duty,
82 if the person has a valid driver license from the state of the
83 person's residence and if the license is not invalid under s.
84 322.033 relating to proof of the licensee's lawful presence in
85 the United States.

86 Section 5. Section 395.3027, Florida Statutes, is created
87 to read:

88 395.3027 Patient immigration status data collection.-

89 (1) Each hospital that accepts Medicaid must include a
90 provision on its patient admission or registration forms for the
91 patient or the patient's representative to state or indicate
92 whether the patient is a United States citizen or lawfully
93 present in the United States or is not lawfully present in the
94 United States. The inquiry must be followed by a statement that
95 the response will not affect patient care or result in a report
96 of the patient's immigration status to immigration authorities.

97 (2) Each hospital must submit a quarterly report to the



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98 agency within 30 days after the end of each calendar quarter
99 which reports the number of hospital admissions or emergency
100 department visits within the previous quarter which were made by
101 a patient who indicated that he or she was a citizen of the
102 United States or lawfully present in the United States, was not
103 lawfully present in the United States, or declined to answer.

104 (3) By March 1 of each year, the agency shall submit a
105 report to the Governor, the President of the Senate, and the
106 Speaker of the House of Representatives which includes the total
107 number of hospital admissions and emergency department visits
108 for the previous calendar year for which the patient or
109 patient's representative reported that the patient was a citizen
110 of the United States or lawfully present in the United States,
111 was not lawfully present in the United States, or declined to
112 answer. The report must also describe information relating to
113 the costs of uncompensated care for aliens who are not lawfully
114 present in the United States, the impact of uncompensated care
115 on the cost or ability of hospitals to provide services to the
116 public, hospital funding needs, and other related information.

117 (4) The agency may adopt rules relating to the format and
118 information to be contained in quarterly reports and the
119 acceptable formats for hospitals to use in requesting
120 information regarding a patient's immigration status on hospital
121 admission or registration forms. The rules may not require the
122 disclosure of patient names or any other personal identifying
123 information to the agency.

124 Section 6. Effective July 1, 2024, section 448.09, Florida
125 Statutes, is amended to read:

126 448.09 Unauthorized aliens; employment prohibited.—



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127 (1) It is shall be unlawful for any person to knowingly ~~to~~
128 employ, hire, recruit, or refer, either for herself or himself
129 or on behalf of another, for private or public employment within
130 this the state, an alien who is not duly authorized to work by
131 the immigration laws of the United States, ~~or~~ the Attorney
132 General of the United States, or the United States Secretary of
133 the Department of Homeland Security.

134 (2) If the Department of Economic Opportunity finds or is
135 notified by an entity specified in s. 448.095(3) (a) that an
136 employer has knowingly employed an unauthorized alien without
137 verifying the employment eligibility of such person, the
138 department must enter an order pursuant to chapter 120 making
139 such determination and require repayment of any economic
140 development incentive pursuant to s. 288.061(6) The first
141 violation of subsection (1) shall be a noncriminal violation as
142 defined in s. 775.08(3) and, upon conviction, shall be
143 punishable as provided in s. 775.082(5) by a civil fine of not
144 more than \$500, regardless of the number of aliens with respect
145 to whom the violation occurred.

146 (3) For a violation of this section, the department shall
147 place the employer on probation for a 1-year period and require
148 that the employer report quarterly to the department to
149 demonstrate compliance with the requirements of subsection (1)
150 and s. 448.095.

151 (4) Any violation of this section which takes place within
152 24 months after a previous violation constitutes grounds for the
153 suspension or revocation of all licenses issued by a licensing
154 agency subject to chapter 120. The department shall take the
155 following actions for a violation involving:



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156 (a) One to 10 unauthorized aliens, suspension of all
157 applicable licenses held by a private employer for up to 30 days
158 by the respective agencies that issued them.

159 (b) Eleven to 50 unauthorized aliens, suspension of all
160 applicable licenses held by a private employer for up to 60 days
161 by the respective agencies that issued them.

162 (c) More than 50 unauthorized aliens, revocation of all
163 applicable licenses held by a private employer by the respective
164 agencies that issued them ~~Any person who has been previously~~
165 ~~convicted for a violation of subsection (1) and who thereafter~~
166 ~~violates subsection (1), shall be guilty of a misdemeanor of the~~
167 ~~second degree, punishable as provided in s. 775.082 or s.~~
168 ~~775.083. Any such subsequent violation of this section shall~~
169 ~~constitute a separate offense with respect to each unauthorized~~
170 ~~alien.~~

171 (5) An alien who is not duly authorized to work by the
172 immigration laws of the United States, the Attorney General of
173 the United States, or the United States Secretary of the
174 Department of Homeland Security and who knowingly uses a false
175 identification document or who fraudulently uses an
176 identification document of another person for the purpose of
177 obtaining employment commits a felony of the third degree,
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

179 Section 7. Effective upon becoming a law, section 448.095,
180 Florida Statutes, is amended to read:

181 (Substantial rewording of section. See
182 s. 448.095, F.S., for present text.)
183 448.095 Employment eligibility.-

184 (1) DEFINITIONS.-As used in this section, the term:



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185 (a) "Contractor" means a person or an entity that has
186 entered or is attempting to enter into a contract with a public
187 agency to provide labor, supplies, or services to such agency in
188 exchange for salary, wages, or other remuneration.

189 (b) "Employee" means an individual filling a permanent
190 position who performs labor or services under the control or
191 direction of an employer that has the power or right to control
192 and direct the employee in the material details of how the work
193 is to be performed in exchange for salary, wages, or other
194 remuneration. An individual hired for casual labor, as defined
195 in s. 443.036, which is to be performed entirely within a
196 private residence is not an employee of an occupant or owner of
197 a private residence. An independent contractor, as defined in
198 federal laws or regulations, hired to perform a specified
199 portion of labor or services is not an employee.

200 (c) "E-Verify system" means an Internet-based system
201 operated by the United States Department of Homeland Security
202 which allows participating employers to electronically verify
203 the employment eligibility of new employees.

204 (d) "Public agency" means any office, department, agency,
205 division, subdivision, political subdivision, board, bureau,
206 commission, authority, district, public body, body politic,
207 state, county, city, town, village, municipality, or any other
208 separate unit of government created or established pursuant to
209 law, and any other public or private agency, person,
210 partnership, corporation, or business entity acting on behalf of
211 any public agency.

212 (e) "Subcontractor" means a person or an entity that
213 provides labor, supplies, or services to or for a contractor or



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214 another subcontractor in exchange for salary, wages, or other
215 remuneration.

216 (f) "Unauthorized alien" means an individual who is not
217 authorized under federal law to be employed in the United
218 States, as described in 8 U.S.C. s. 1324a(h)(3). The term must
219 be interpreted consistently with that section and any applicable
220 federal rules or regulations.

221 (2) EMPLOYMENT VERIFICATION.—

222 (a) An employer shall verify each new employee's employment
223 eligibility within 3 business days after the first day that the
224 new employee begins working for pay as required under 8 C.F.R.
225 s. 274a.

226 (b)1. A public agency shall use the E-Verify system to
227 verify a new employee's employment eligibility as required under
228 paragraph (a).

229 2. Beginning on July 1, 2023, a private employer with 25 or
230 more employees shall use the E-Verify system to verify a new
231 employee's employment eligibility as required under paragraph
232 (a).

233 3. Each employer required to use the E-Verify system under
234 this paragraph must certify on its first return each calendar
235 year to the tax service provider that it is in compliance with
236 this section when making contributions to or reimbursing the
237 state's unemployment compensation or reemployment assistance
238 system. An employer that voluntarily uses the E-Verify system
239 may also make such a certification on its first return each
240 calendar year in order to document such use.

241 (c) If the E-Verify system is unavailable for 3 business
242 days after the first day that the new employee begins working



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243 for pay and an employer cannot access the system to verify a new
244 employee's employment eligibility, the employer must use the
245 Employment Eligibility Verification form (Form I-9) to verify
246 employment eligibility. The unavailability of the E-Verify
247 system does not bar the employer from using the rebuttable
248 presumption established in paragraph (4) (a). An employer must
249 document the unavailability of the E-Verify system by retaining
250 a screenshot from each day which shows the employer's lack of
251 access to the system, a public announcement that the E-Verify
252 system is not available, or any other communication or notice
253 recorded by the employer regarding the unavailability of the
254 system.

255 (d) The employer must retain a copy of the documentation
256 provided and any official verification generated, if applicable,
257 for at least 3 years.

258 (e) An employer may not continue to employ an unauthorized
259 alien after obtaining knowledge that a person is or has become
260 an unauthorized alien.

261 (f) An employee leasing company licensed under part XI of
262 chapter 468 which enters into a written agreement or
263 understanding with a client company which places the primary
264 obligation for compliance with this section upon the client
265 company is not required to verify employment eligibility of any
266 new employees of the client company. In the absence of a written
267 agreement or understanding, the employee leasing company is
268 responsible for compliance with this section. Such employee
269 leasing company shall, at all times, remain an employer as
270 otherwise defined in federal laws or regulations.

271 (3) ENFORCEMENT.-



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272 (a) For the purpose of enforcement of this section, any of
273 the following persons or entities may request, and an employer
274 must provide, copies of any documentation relied upon by the
275 employer for the verification of a new employee's employment
276 eligibility:

- 277 1. The Department of Law Enforcement;
278 2. The Attorney General;
279 3. The state attorney in the circuit in which the new
280 employee works;
281 4. The statewide prosecutor; or
282 5. The Department of Economic Opportunity.

283 (b) A person or an entity that makes a request under
284 paragraph (a) must rely upon the Federal Government to verify an
285 employee's employment eligibility and may not independently make
286 a final determination as to whether an employee is an
287 unauthorized alien.

288 (4) DEFENSES.—

289 (a) An employer that uses the E-Verify system or, if that
290 system is unavailable, the Employment Eligibility Verification
291 form (Form I-9) as provided in paragraph (2)(c), with respect to
292 the employment of an unauthorized alien has established a
293 rebuttable presumption that the employer has not violated s.
294 448.09 with respect to such employment.

295 (b) An employer that uses the same documentation that is
296 required by the United States Citizenship and Immigration
297 Services on its Employment Eligibility Verification form (Form
298 I-9) with respect to the employment of an unauthorized alien,
299 has established an affirmative defense that the employer has not
300 violated s. 448.09 with respect to such employment.



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301 (5) PUBLIC AGENCY CONTRACTING.—

302 (a) A public agency must require in any contract that the
303 contractor, and any subcontractor thereof, register with and use
304 the E-Verify system to verify the work authorization status of
305 all new employees of the contractor or subcontractor. A public
306 agency or a contractor or subcontractor thereof may not enter
307 into a contract unless each party to the contract registers with
308 and uses the E-Verify system.

309 (b) If a contractor enters into a contract with a
310 subcontractor, the subcontractor must provide the contractor
311 with an affidavit stating that the subcontractor does not
312 employ, contract with, or subcontract with an unauthorized
313 alien. The contractor shall maintain a copy of such affidavit
314 for the duration of the contract.

315 (c)1. A public agency, contractor, or subcontractor who has
316 a good faith belief that a person or an entity with which it is
317 contracting has knowingly violated s. 448.09(1) shall terminate
318 the contract with the person or entity.

319 2. A public agency that has a good faith belief that a
320 subcontractor knowingly violated this subsection, but the
321 contractor otherwise complied with this subsection, shall
322 promptly notify the contractor and order the contractor to
323 immediately terminate the contract with the subcontractor.

324 3. A contract terminated under this paragraph is not a
325 breach of contract and may not be considered as such. If a
326 public agency terminates a contract with a contractor under this
327 paragraph, the contractor may not be awarded a public contract
328 for at least 1 year after the date on which the contract was
329 terminated. A contractor is liable for any additional costs



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330 incurred by a public agency as a result of the termination of a
331 contract.

332 (d) A public agency, contractor, or subcontractor may file
333 a cause of action with a circuit or county court to challenge a
334 termination under paragraph (c) no later than 20 calendar days
335 after the date on which the contract was terminated.

336 (6) COMPLIANCE.—

337 (a) In addition to the requirements under s. 288.061(6),
338 beginning on July 1, 2024, if the Department of Economic
339 Opportunity determines that an employer failed to use the E-
340 Verify system to verify the employment eligibility of employees
341 as required under this section, the department must notify the
342 employer of the department's determination of noncompliance and
343 provide the employer with 30 days to cure the noncompliance.

344 (b) If the Department of Economic Opportunity determines
345 that an employer failed to use the E-Verify system as required
346 under this section three times in any 24-month period, the
347 department must impose a fine of \$1,000 per day until the
348 employer provides sufficient proof to the department that the
349 noncompliance is cured. Noncompliance constitutes grounds for
350 the suspension of all licenses issues by a licensing agency
351 subject to chapter 120 until the noncompliance is cured.

352 (c) Fines collected under this subsection must be deposited
353 into the State Economic Enhancement and Development Trust Fund
354 for use by the department for employer outreach and public
355 notice of the state's employment verification laws.

356 (7) CONSTRUCTION.—

357 (a) This section must be enforced without regard to race,
358 color, or national origin and must be construed in a manner so



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359 as to be fully consistent with any applicable federal laws or
360 regulations.

361 (b) The requirements to use the E-Verify system under this
362 section do not apply in any federal fiscal year in which the
363 system is not funded by the Federal Government.

364 (c) This section shall expire 60 days after the E-Verify
365 system is no longer a pilot program, and the Federal Government
366 requires the use of the E-Verify system by all employers in the
367 United States.

368 Section 8. Effective November 1, 2028, subsection (3) of
369 section 454.021, Florida Statutes, is amended to read:

370 454.021 Attorneys; admission to practice law; Supreme Court
371 to govern and regulate.—

372 ~~(3) Upon certification by the Florida Board of Bar~~
373 ~~Examiners that an applicant who is an unauthorized immigrant who~~
374 ~~was brought to the United States as a minor; has been present in~~
375 ~~the United States for more than 10 years; has received~~
376 ~~documented employment authorization from the United States~~
377 ~~Citizenship and Immigration Services (USCIS); has been issued a~~
378 ~~social security number; if a male, has registered with the~~
379 ~~Selective Service System if required to do so under the Military~~
380 ~~Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all~~
381 ~~requirements for admission to practice law in this state, the~~
382 ~~Supreme Court of Florida may admit that applicant as an attorney~~
383 ~~at law authorized to practice in this state and may direct an~~
384 ~~order be entered upon the court's records to that effect.~~

385 Section 9. The repeal of s. 454.021(3), Florida Statutes,
386 by this act does not affect the validity of any license to
387 practice law issued pursuant to that subsection before November



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388 1, 2028.

389 Section 10. Section 787.07, Florida Statutes, is amended to
390 read:

391 787.07 Human smuggling.—

392 (1) Except as provided in subsections (3), (4), and (5), a
393 person who knowingly and willfully transports into this state an
394 individual whom ~~who~~ the person knows, or reasonably should know,
395 has entered ~~is illegally entering~~ the United States in violation
396 of law and has not been inspected by the Federal Government
397 since his or her unlawful entry from another country commits a
398 felony of the third degree, punishable as provided in s.
399 775.082, s. 775.083, or s. 775.084.

400 (2) A person commits a separate offense for each individual
401 he or she transports into this state in violation of this
402 section.

403 (3) A person who transports a minor into this state in
404 violation of subsection (1) commits a felony of the second
405 degree, punishable as provided in s. 775.082, s. 775.083, or s.
406 775.084.

407 (4) A person who commits five or more separate offenses
408 under this section during a single episode commits a felony of
409 the second degree, punishable as provided in s. 775.082, s.
410 775.083, or s. 775.084.

411 (5) (a) A person with a prior conviction under this section
412 who commits a subsequent violation of this section commits a
413 felony of the second degree, punishable as provided in s.
414 775.082, s. 775.083, or s. 775.084.

415 (b) As used in paragraph (a), the term "conviction" means a
416 determination of guilt that is the result of a plea agreement or



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417 a trial, regardless of whether adjudication is withheld or a
418 plea of nolo contendere is entered.

419 (6) Proof that a person knowingly and willfully presented
420 false identification or gave false information to a law
421 enforcement officer who is conducting an investigation for a
422 violation of this section gives rise to an inference that such
423 person was aware that the transported individual has entered the
424 United States in violation of the law and had not been inspected
425 by the Federal Government since his or her unlawful entry.

426 (7) A person who is arrested for a violation of this
427 section must be held in custody until brought before the court
428 for admittance to pretrial release in accordance with chapter
429 903.

430 Section 11. Paragraph (a) of subsection (8) of section
431 895.02, Florida Statutes, is amended to read:

432 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

433 (8) "Racketeering activity" means to commit, to attempt to
434 commit, to conspire to commit, or to solicit, coerce, or
435 intimidate another person to commit:

436 (a) Any crime that is chargeable by petition, indictment,
437 or information under the following provisions of the Florida
438 Statutes:

439 1. Section 210.18, relating to evasion of payment of
440 cigarette taxes.

441 2. Section 316.1935, relating to fleeing or attempting to
442 elude a law enforcement officer and aggravated fleeing or
443 eluding.

444 3. Chapter 379, relating to the illegal sale, purchase,
445 collection, harvest, capture, or possession of wild animal life,



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446 freshwater aquatic life, or marine life, and related crimes.
447 4. Section 403.727(3)(b), relating to environmental
448 control.
449 5. Section 409.920 or s. 409.9201, relating to Medicaid
450 fraud.
451 6. Section 414.39, relating to public assistance fraud.
452 7. Section 440.105 or s. 440.106, relating to workers'
453 compensation.
454 8. Section 443.071(4), relating to creation of a fictitious
455 employer scheme to commit reemployment assistance fraud.
456 9. Section 465.0161, relating to distribution of medicinal
457 drugs without a permit as an Internet pharmacy.
458 10. Section 499.0051, relating to crimes involving
459 contraband, adulterated, or misbranded drugs.
460 11. Part IV of chapter 501, relating to telemarketing.
461 12. Chapter 517, relating to sale of securities and
462 investor protection.
463 13. Section 550.235 or s. 550.3551, relating to dogracing
464 and horseracing.
465 14. Chapter 550, relating to jai alai frontons.
466 15. Section 551.109, relating to slot machine gaming.
467 16. Chapter 552, relating to the manufacture, distribution,
468 and use of explosives.
469 17. Chapter 560, relating to money transmitters, if the
470 violation is punishable as a felony.
471 18. Chapter 562, relating to beverage law enforcement.
472 19. Section 624.401, relating to transacting insurance
473 without a certificate of authority, s. 624.437(4)(c)1., relating
474 to operating an unauthorized multiple-employer welfare



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475 arrangement, or s. 626.902(1)(b), relating to representing or
476 aiding an unauthorized insurer.

477 20. Section 655.50, relating to reports of currency
478 transactions, when such violation is punishable as a felony.

479 21. Chapter 687, relating to interest and usurious
480 practices.

481 22. Section 721.08, s. 721.09, or s. 721.13, relating to
482 real estate timeshare plans.

483 23. Section 775.13(5)(b), relating to registration of
484 persons found to have committed any offense for the purpose of
485 benefiting, promoting, or furthering the interests of a criminal
486 gang.

487 24. Section 777.03, relating to commission of crimes by
488 accessories after the fact.

489 25. Chapter 782, relating to homicide.

490 26. Chapter 784, relating to assault and battery.

491 27. Chapter 787, relating to kidnapping, human smuggling,
492 or human trafficking.

493 28. Chapter 790, relating to weapons and firearms.

494 29. Chapter 794, relating to sexual battery, but only if
495 such crime was committed with the intent to benefit, promote, or
496 further the interests of a criminal gang, or for the purpose of
497 increasing a criminal gang member's own standing or position
498 within a criminal gang.

499 30. Former s. 796.03, former s. 796.035, s. 796.04, s.
500 796.05, or s. 796.07, relating to prostitution.

501 31. Chapter 806, relating to arson and criminal mischief.

502 32. Chapter 810, relating to burglary and trespass.

503 33. Chapter 812, relating to theft, robbery, and related



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504 crimes.

505 34. Chapter 815, relating to computer-related crimes.

506 35. Chapter 817, relating to fraudulent practices, false
507 pretenses, fraud generally, credit card crimes, and patient
508 brokering.

509 36. Chapter 825, relating to abuse, neglect, or
510 exploitation of an elderly person or disabled adult.

511 37. Section 827.071, relating to commercial sexual
512 exploitation of children.

513 38. Section 828.122, relating to fighting or baiting
514 animals.

515 39. Chapter 831, relating to forgery and counterfeiting.

516 40. Chapter 832, relating to issuance of worthless checks
517 and drafts.

518 41. Section 836.05, relating to extortion.

519 42. Chapter 837, relating to perjury.

520 43. Chapter 838, relating to bribery and misuse of public
521 office.

522 44. Chapter 843, relating to obstruction of justice.

523 45. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
524 s. 847.07, relating to obscene literature and profanity.

525 46. Chapter 849, relating to gambling, lottery, gambling or
526 gaming devices, slot machines, or any of the provisions within
527 that chapter.

528 47. Chapter 874, relating to criminal gangs.

529 48. Chapter 893, relating to drug abuse prevention and
530 control.

531 49. Chapter 896, relating to offenses related to financial
532 transactions.



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533 50. Sections 914.22 and 914.23, relating to tampering with
534 or harassing a witness, victim, or informant, and retaliation
535 against a witness, victim, or informant.

536 51. Sections 918.12 and 918.13, relating to tampering with
537 jurors and evidence.

538 Section 12. Paragraph (f) is added to subsection (2) of
539 section 908.104, Florida Statutes, to read:

540 908.104 Cooperation with federal immigration authorities.—

541 (2) Except as otherwise expressly prohibited by federal
542 law, a state entity, local governmental entity, or law
543 enforcement agency, or an employee, an agent, or a
544 representative of the entity or agency, may not prohibit or in
545 any way restrict a law enforcement agency from taking any of the
546 following actions with respect to information regarding a
547 person's immigration status:

548 (f) Sending the applicable information obtained pursuant to
549 enforcement of s. 448.095 to a federal immigration agency.

550 Section 13. Subsection (14) of section 943.03, Florida
551 Statutes, is amended to read:

552 943.03 Department of Law Enforcement.—

553 (14) The department, with respect to counter-terrorism
554 efforts, responses to acts of terrorism within or affecting this
555 state, coordinating with and providing assistance to the Federal
556 Government in the enforcement of federal immigration laws,
557 responses to immigration enforcement incidents within or
558 affecting this state, and other matters related to the domestic
559 security of Florida as it relates to terrorism and immigration
560 enforcement incidents, shall coordinate and direct the law
561 enforcement, initial emergency, and other initial responses. The



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562 department shall work closely with the Division of Emergency
563 Management, other federal, state, and local law enforcement
564 agencies, fire and rescue agencies, first-responder agencies,
565 and others involved in preparation against acts of terrorism in
566 or affecting this state, immigration enforcement incidents
567 within or affecting this state, and in the response to such acts
568 or incidents. The executive director of the department, or
569 another member of the department designated by the director,
570 shall serve as Chief of Domestic Security for the purpose of
571 directing and coordinating such efforts. The department and
572 Chief of Domestic Security shall use the regional domestic
573 security task forces as established in this chapter to assist in
574 such efforts.

575 Section 14. Section 943.03101, Florida Statutes, is amended
576 to read:

577 943.03101 Counter-terrorism and immigration enforcement
578 coordination.—The Legislature finds that with respect to
579 counter-terrorism efforts, ~~and~~ initial responses to acts of
580 terrorism within or affecting this state, coordinating with and
581 providing assistance to the Federal Government in the
582 enforcement of federal immigration laws, and responses to
583 immigration enforcement incidents within or affecting this
584 state, specialized efforts of emergency management which are
585 unique to such situations are required and that these efforts
586 intrinsically involve very close coordination of federal, state,
587 and local law enforcement agencies with the efforts of all
588 others involved in emergency-response efforts. In order to best
589 provide this specialized effort, the Legislature has determined
590 that such efforts should be coordinated by and through the



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591 Department of Law Enforcement, working closely with the Division
592 of Emergency Management and others involved in preparation
593 against acts of terrorism in or affecting this state,
594 immigration enforcement incidents within or affecting this
595 state, and in the initial response to such acts, in accordance
596 with the state comprehensive emergency management plan prepared
597 pursuant to s. 252.35(2)(a).

598 Section 15. Present subsections (2) through (7) of section
599 943.0311, Florida Statutes, are redesignated as subsections (3)
600 through (8), respectively, a new subsection (2) is added to that
601 section, and subsection (1) and present subsection (3) of that
602 section are amended, to read:

603 943.0311 Chief of Domestic Security; duties of the
604 department with respect to domestic security.—

605 (1) The executive director of the department, or a member
606 of the department designated by the executive director, shall
607 serve as the Chief of Domestic Security. The Chief of Domestic
608 Security shall:

609 (a) Coordinate the efforts of the department in the ongoing
610 assessment of this state's vulnerability to, and ability to
611 detect, prevent, prepare for, respond to, and recover from, acts
612 of terrorism within or affecting this state and immigration
613 enforcement incidents within or affecting this state.

614 (b) Prepare recommendations for the Governor, the President
615 of the Senate, and the Speaker of the House of Representatives,
616 which are based upon ongoing assessments to limit the
617 vulnerability of the state to terrorism and immigration
618 enforcement incidents.

619 (c) Coordinate the collection of proposals to limit the



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620 vulnerability of the state to terrorism and immigration
621 enforcement incidents.

622 (d) Use regional task forces to support the duties of the
623 department set forth in this section.

624 (e) Use public or private resources to perform the duties
625 assigned to the department under this section.

626 (2) The chief shall regularly coordinate random audits
627 pursuant to s. 448.095 to ensure compliance and enforcement and
628 shall notify the Department of Economic Opportunity of any
629 violations.

630 (4)~~(3)~~ The chief shall report to the Governor, the
631 President of the Senate, and the Speaker of the House of
632 Representatives by November 1 of each year suggestions for
633 specific and significant security enhancements of any building,
634 facility, or structure owned or leased by a state agency, state
635 university, or community college or any entity that has
636 conducted an assessment under subsection (6) ~~(5)~~. The chief may
637 utilize the assessments provided under subsection (6) ~~(5)~~ in
638 making his or her suggestions. The report shall suggest
639 strategies to maximize federal funds in support of building or
640 facility security if such funds are available.

641 Section 16. Section 943.0312, Florida Statutes, is amended
642 to read:

643 943.0312 Regional domestic security task forces.—The
644 Legislature finds that there is a need to develop and implement
645 a statewide strategy to address prevention, preparation,
646 protection, response, and recovery efforts by federal, state,
647 and local law enforcement agencies, emergency management
648 agencies, fire and rescue departments, first-responder



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649 personnel, and others in dealing with potential or actual
650 terrorist acts within or affecting this state and potential or
651 actual immigration enforcement incidents within or affecting
652 this state.

653 (1) To assist the department and the Chief of Domestic
654 Security in performing their roles and duties in this regard,
655 the department shall establish a regional domestic security task
656 force in each of the department's operational regions. The task
657 forces shall serve in an advisory capacity to the department and
658 the Chief of Domestic Security and shall provide support to the
659 department in its performance of functions pertaining to
660 domestic security.

661 (a) Subject to annual appropriation, the department shall
662 provide dedicated employees to support the function of each
663 regional domestic security task force.

664 (b) Each task force shall be co-chaired by the department's
665 special agent in charge of the operational region in which the
666 task force is located and by a local sheriff or chief of police
667 from within the operational region.

668 (c) Each task force membership may also include
669 representatives of state and local law enforcement agencies,
670 fire and rescue departments, or first-responder personnel;
671 representatives of emergency management agencies and health,
672 medical, and hospital agencies; representatives of local
673 emergency planning committees; and other persons as deemed
674 appropriate and necessary by the task force co-chairs.

675 (d) The co-chairs of each task force may appoint
676 subcommittees and subcommittee chairs as necessary in order to
677 address issues related to the various disciplines represented on



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678 the task force, except that subcommittee chairs for emergency
679 management shall be appointed with the approval of the director
680 of the Division of Emergency Management. A subcommittee chair
681 shall serve at the pleasure of the co-chairs.

682 (2) In accordance with the state's domestic security
683 strategic goals and objectives, each task force shall coordinate
684 efforts to counter terrorism~~7~~ as defined by s. 775.30~~7~~ and
685 cooperate with and provide assistance to the Federal Government
686 in the enforcement of federal immigration laws within or
687 affecting this state in compliance with chapter 908, among
688 local, state, and federal resources to ensure that such efforts
689 are not fragmented or unnecessarily duplicated; coordinate
690 training for local and state personnel to counter terrorism as
691 defined in ~~by~~ s. 775.30; and cooperate with and provide
692 assistance to the Federal Government in the enforcement of
693 federal immigration laws within or affecting this state in
694 compliance with chapter 908; coordinate the collection and
695 dissemination of investigative and intelligence information; and
696 facilitate responses to terrorist incidents within or affecting
697 each region and immigration enforcement incidents within or
698 affecting each region. With the approval of the Chief of
699 Domestic Security, the task forces may incorporate other
700 objectives reasonably related to the goals of enhancing the
701 state's domestic security and ability to detect, prevent, and
702 respond to acts of terrorism within or affecting this state or
703 immigration enforcement incidents within or affecting this
704 state. Each task force shall take into account the variety of
705 conditions and resources present within its region.

706 (3) The Chief of Domestic Security, in conjunction with the



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707 Division of Emergency Management, the regional domestic security
708 task forces, and the various state entities responsible for
709 establishing training standards applicable to state law
710 enforcement officers and fire, emergency, and first-responder
711 personnel shall identify appropriate equipment and training
712 needs, curricula, and materials related to the effective
713 response to suspected or actual acts of terrorism, immigration
714 enforcement incidents, or incidents involving real or hoax
715 weapons of mass destruction as defined in s. 790.166.
716 Recommendations for funding for purchases of equipment, delivery
717 of training, implementation of, or revision to basic or
718 continued training required for state licensure or
719 certification, or other related responses shall be made by the
720 Chief of Domestic Security to the Domestic Security Oversight
721 Council, the Executive Office of the Governor, the President of
722 the Senate, and the Speaker of the House of Representatives as
723 necessary to ensure that the needs of this state with regard to
724 the preparing, equipping, training, and exercising of response
725 personnel are identified and addressed. In making such
726 recommendations, the Chief of Domestic Security and the Division
727 of Emergency Management shall identify all funding sources that
728 may be available to fund such efforts.

729 (4) Each regional domestic security task force, working in
730 conjunction with the department, the Office of the Attorney
731 General, and other public or private entities, shall work to
732 ensure that hate-driven acts against ethnic groups that may have
733 been targeted as a result of acts of terrorism in or affecting
734 this state, or as a result of immigration enforcement incidents
735 within or affecting this state, are appropriately investigated



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736 and responded to.

737 (5) Members of each regional domestic security task force
738 may not receive any pay other than their salaries normally
739 received from their employers, but are entitled to reimbursement
740 for per diem and travel expenses in accordance with s. 112.061.

741 (6) Subject to annual appropriation, the department shall
742 provide staff and administrative support for the regional
743 domestic security task forces.

744 Section 17. Section 943.0313, Florida Statutes, is amended
745 to read:

746 943.0313 Domestic Security Oversight Council.—The
747 Legislature finds that there exists a need to provide executive
748 direction and leadership with respect to terrorism and
749 immigration enforcement incident prevention, preparation,
750 protection, response, and recovery efforts by state and local
751 agencies in this state. In recognition of this need, the
752 Domestic Security Oversight Council is hereby created. The
753 council shall serve as an advisory council pursuant to s.
754 20.03(7) to provide guidance to the state's regional domestic
755 security task forces and other domestic security working groups
756 and to make recommendations to the Governor and the Legislature
757 regarding the expenditure of funds and allocation of resources
758 related to counter-terrorism and cooperating with and providing
759 assistance to the Federal Government in the enforcement of
760 federal immigration laws and domestic security efforts.

761 (1) MEMBERSHIP.—

762 (a) The Domestic Security Oversight Council shall consist
763 of the following voting members:

764 1. The executive director of the Department of Law



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- 765 Enforcement.
- 766 2. The director of the Division of Emergency Management.
- 767 3. The Attorney General.
- 768 4. The Commissioner of Agriculture.
- 769 5. The State Surgeon General.
- 770 6. The Commissioner of Education.
- 771 7. The State Fire Marshal.
- 772 8. The adjutant general of the Florida National Guard.
- 773 9. The state chief information officer.
- 774 10. Each sheriff or chief of police who serves as a co-
- 775 chair of a regional domestic security task force pursuant to s.
- 776 943.0312(1)(b).
- 777 11. Each of the department's special agents in charge who
- 778 serve as a co-chair of a regional domestic security task force.
- 779 12. Two representatives of the Florida Fire Chiefs
- 780 Association.
- 781 13. One representative of the Florida Police Chiefs
- 782 Association.
- 783 14. One representative of the Florida Prosecuting Attorneys
- 784 Association.
- 785 15. The chair of the Statewide Domestic Security
- 786 Intelligence Committee.
- 787 16. One representative of the Florida Hospital Association.
- 788 17. One representative of the Emergency Medical Services
- 789 Advisory Council.
- 790 18. One representative of the Florida Emergency
- 791 Preparedness Association.
- 792 19. One representative of the Florida Seaport
- 793 Transportation and Economic Development Council.



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794 (b) In addition to the members designated in paragraph (a),
795 the council may invite other ex officio, nonvoting members to
796 attend and participate in council meetings. Those nonvoting
797 members may include, but need not be limited to:

- 798 1. The executive director of the Department of Highway
799 Safety and Motor Vehicles.
- 800 2. The Secretary of Health Care Administration.
- 801 3. The Secretary of Environmental Protection.
- 802 4. The director of the Division of Law Enforcement within
803 the Fish and Wildlife Conservation Commission.
- 804 5. A representative of the Commission on Human Relations.
- 805 6. A representative of the United States Coast Guard.
- 806 7. A United States Attorney from a federal judicial circuit
807 within this state.
- 808 8. A special agent in charge from an office of the Federal
809 Bureau of Investigation within this state.
- 810 9. A representative of the United States Department of
811 Homeland Security.
- 812 10. A representative of United States Immigration and
813 Customs Enforcement.
- 814 11. A representative of United States Customs and Border
815 Protection.

816 (2) ORGANIZATION.—

817 (a) The Legislature finds that the council serves a
818 legitimate state, county, and municipal purpose and that service
819 on the council is consistent with a member's principal service
820 in public office or employment. Membership on the council does
821 not disqualify a member from holding any other public office or
822 being employed by a public entity, except that a member of the



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823 Legislature may not serve on the council.

824 (b) The executive director of the Department of Law
825 Enforcement shall serve as chair of the council, and the
826 director of the Division of Emergency Management shall serve as
827 vice chair of the council. In the absence of the chair, the vice
828 chair shall serve as chair. In the absence of the vice chair,
829 the chair may name any member of the council to perform the
830 duties of the chair if such substitution does not extend beyond
831 a defined meeting, duty, or period of time.

832 (c) Any absent voting member of the council may be
833 represented by a designee empowered to act on any issue before
834 the council to the same extent that the designating member is
835 empowered. If a co-chair of a regional domestic security task
836 force is absent from a council meeting, the co-chair shall
837 appoint a subcommittee chair of that task force as the designee.

838 (d) The council shall establish bylaws for its general
839 governance.

840 (e) Any member of the council serving by reason of the
841 office or employment held by the member shall cease to serve on
842 the council at such time as he or she ceases to hold the office
843 or employment which was the basis for appointment to the
844 council.

845 (f) Representatives from agencies or organizations other
846 than those designated by title shall be chosen by the entity.
847 Except for those individuals designated by title, council
848 members shall be certified annually to the chair by the
849 organization they represent.

850 (g) Members of the council or their designees shall serve
851 without compensation but are entitled to reimbursement for per



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852 diem and travel expenses pursuant to s. 112.061.

853 (h) The department shall provide the council with the staff
854 support necessary to assist in the performance of its duties.

855 (3) MEETINGS.—The council must meet at least semiannually.
856 Additional meetings may be held as necessary. A majority of the
857 members of the council constitutes a quorum.

858 (4) EXECUTIVE COMMITTEE.—

859 (a) The council shall establish an executive committee
860 consisting of the following members:

861 1. The executive director of the Department of Law
862 Enforcement.

863 2. The director of the Division of Emergency Management.

864 3. The Attorney General.

865 4. The Commissioner of Agriculture.

866 5. The State Surgeon General.

867 6. The Commissioner of Education.

868 7. The State Fire Marshal.

869 (b) The executive director of the Department of Law
870 Enforcement shall serve as the chair of the executive committee,
871 and the director of the Division of Emergency Management shall
872 serve as the vice chair of the executive committee.

873 (c) The executive committee shall approve all matters
874 brought before the council prior to consideration. When
875 expedited action of the council is deemed necessary by the chair
876 or vice chair, the executive committee may act on behalf of the
877 council.

878 (5) DUTIES OF THE COUNCIL.—

879 (a) The Domestic Security Oversight Council shall serve as
880 an advisory council to the Governor, the Legislature, and the



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881 Chief of Domestic Security. The council shall:

882 1. Review the development, maintenance, and operation of a
883 comprehensive multidisciplinary domestic security strategy that
884 will guide the state's prevention, preparedness, protection,
885 response, and recovery efforts against terrorist attacks and
886 immigration enforcement incidents and make appropriate
887 recommendations to ensure the implementation of that strategy.

888 2. Review the development of integrated funding plans to
889 support specific projects, goals, and objectives necessary to
890 the state's domestic security strategy and make appropriate
891 recommendations to implement those plans.

892 3. Review and recommend approval of prioritized
893 recommendations from regional domestic security task forces and
894 state working groups on the use of available funding to ensure
895 the use of such funds in a manner that best promotes the goals
896 of statewide, regional, and local domestic security through
897 coordinated planning and implementation strategies.

898 4. Review and recommend approval of statewide policies and
899 operational protocols that support the domestic security efforts
900 of the regional domestic security task forces and state
901 agencies.

902 5. Review the overall statewide effectiveness of domestic
903 security efforts, ~~and~~ counter-terrorism efforts, and efforts of
904 coordinating with and providing assistance to the Federal
905 Government in the enforcement of federal immigration laws in
906 order to provide suggestions to improve or enhance those
907 efforts.

908 6. Review the efforts of any agency or entity involved in
909 state or local domestic security efforts, ~~and~~ counter-terrorism



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910 efforts, and efforts of coordination with and providing
911 assistance to the Federal Government in the enforcement of
912 federal immigration laws that requests assistance or that
913 appears to need such review in order to provide suggestions to
914 improve or enhance those efforts.

915 7. Review efforts within the state to better secure state
916 and local infrastructure against terrorist attack or immigration
917 enforcement incidents and make recommendations to enhance the
918 effectiveness of such efforts.

919 8. Review and recommend legislative initiatives related to
920 the state's domestic security and provide endorsement or
921 recommendations to enhance the effectiveness of such efforts.

922 9. Review statewide or multiagency mobilizations and
923 responses to major domestic security incidents and recommend
924 suggestions for training, improvement of response efforts, or
925 improvement of coordination or for other strategies that may be
926 derived as necessary from such reviews.

927 10. Conduct any additional review or inquiry or make
928 recommendations to the Governor and Legislature in support of
929 other initiatives, as may be necessary, to fulfill the function
930 of general oversight of the state's domestic security efforts,
931 and counter-terrorism efforts, and efforts of coordinating with
932 and providing assistance to the Federal Government in the
933 enforcement of federal immigration laws and to promote increased
934 security.

935 11. Promote and preserve intergovernmental cooperation and
936 consensus among state and local agencies, the Federal
937 Government, private entities, other states, and other nations,
938 as appropriate, under the guidance of the Governor.



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939 (b) The Domestic Security Oversight Council shall make an
940 annual funding recommendation to the Governor and Legislature
941 which shall prioritize funding requests based on allocations
942 from all available sources for implementing the state's domestic
943 security strategy. This recommendation must include the
944 prioritized recommendations of each of the regional domestic
945 security task forces and the various working groups that
946 participate in the prioritization process for funding
947 allocations. The recommendation must reflect the consideration
948 of strategic priorities and allocations that best serve the
949 state's overall domestic security needs. The recommendation
950 shall be transmitted to the Governor and the Legislature by
951 December 31 of each year. If additional funds become available,
952 or reallocation of funding is required beyond current spending
953 authorizations, the council may make recommendations to the
954 Governor for consideration by the Legislative Budget Commission.

955 (6) REPORTS.—The council shall report annually on its
956 activities, on or before December 31 of each calendar year, to
957 the Governor, the President of the Senate, the Speaker of the
958 House of Representatives, and the chairs of the committees
959 having principal jurisdiction over domestic security in the
960 Senate and the House of Representatives.

961 (7) AGENCY DESIGNATION.—For purposes of this section, the
962 Domestic Security Oversight Council shall be considered a
963 criminal justice agency within the definition of s. 119.011(4).

964 Section 18. Paragraph (g) of subsection (2) and paragraph
965 (a) of subsection (3) of section 943.325, Florida Statutes, are
966 amended, and paragraph (f) is added to subsection (7) of that
967 section, to read:



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968 943.325 DNA database.—
969 (2) DEFINITIONS.—As used in this section, the term:
970 (g) “Qualifying offender” means any person, including
971 juveniles and adults, who is:
972 1.a. Committed to a county jail;
973 b. Committed to or under the supervision of the Department
974 of Corrections, including persons incarcerated in a private
975 correctional institution operated under contract pursuant to s.
976 944.105;
977 c. Committed to or under the supervision of the Department
978 of Juvenile Justice;
979 d. Transferred to this state under the Interstate Compact
980 on Juveniles, part XIII of chapter 985; or
981 e. Accepted under Article IV of the Interstate Corrections
982 Compact, part III of chapter 941; and who is:
983 2.a. Convicted of any felony offense or attempted felony
984 offense in this state or of a similar offense in another
985 jurisdiction;
986 b. Convicted of a misdemeanor violation of s. 784.048, s.
987 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
988 offense that was found, pursuant to s. 874.04, to have been
989 committed for the purpose of benefiting, promoting, or
990 furthering the interests of a criminal gang as defined in s.
991 874.03; ~~or~~
992 c. Arrested for any felony offense or attempted felony
993 offense in this state; or
994 d. In the custody of a law enforcement agency and is
995 subject to an immigration detainer issued by a federal
996 immigration agency.



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997 (3) COLLECTION OF SAMPLES.—

998 (a) Each qualifying offender shall submit a DNA sample at
999 the time he or she is booked into a jail, correctional facility,
1000 or juvenile facility. A person who becomes a qualifying offender
1001 solely because of the issuance of an immigration detainer by a
1002 federal immigration agency must submit a DNA sample when the law
1003 enforcement agency having custody of the offender receives the
1004 detainer.

1005 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

1006 (f) A law enforcement agency having custody of a person who
1007 becomes a qualifying offender solely because of the issuance of
1008 an immigration detainer by a federal immigration agency shall
1009 ensure that a DNA sample is taken from the offender immediately
1010 after the agency receives the detainer and shall secure and
1011 transmit the sample to the department in a timely manner.

1012 Section 19. Paragraph (m) of subsection (3) of section
1013 394.9082, Florida Statutes, is amended to read:

1014 394.9082 Behavioral health managing entities.—

1015 (3) DEPARTMENT DUTIES.—The department shall:

1016 (m) Collect and publish, and update annually, all of the
1017 following information on its website for each managing entity:

1018 1. All compensation earned or awarded, whether paid or
1019 accrued, regardless of contingency, by position, for any
1020 employee, and any other person compensated through a contract
1021 for services whose services include those commonly associated
1022 with a chief executive, chief administrator, or other chief
1023 officer of a business or corporation, who receives compensation
1024 from state-appropriated funds in excess of 150 percent of the
1025 annual salary paid to the secretary of the department. For



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1026 purposes of this paragraph, the term "employee" means a person
1027 filling an authorized and established position who performs
1028 labor or services for a public or private employer in exchange
1029 for salary, wages, or other remuneration ~~has the same meaning as~~
1030 ~~in s. 448.095(1).~~

1031 2. The most recent 3 years of the Return of Organization
1032 Exempt from Income Tax, Internal Revenue Service Form 990 and
1033 related documents filed with the Internal Revenue Service,
1034 auditor reports, and annual reports for each managing entity or
1035 affiliated entity.

1036 Section 20. Paragraph (a) of subsection (4) of section
1037 409.996, Florida Statutes, is amended to read:

1038 409.996 Duties of the Department of Children and Families.—
1039 The department shall contract for the delivery, administration,
1040 or management of care for children in the child protection and
1041 child welfare system. In doing so, the department retains
1042 responsibility for the quality of contracted services and
1043 programs and shall ensure that, at a minimum, services are
1044 delivered in accordance with applicable federal and state
1045 statutes and regulations and the performance standards and
1046 metrics specified in the strategic plan created under s.
1047 20.19(1).

1048 (4) (a) The department shall collect and publish on its
1049 website, and annually update, all of the following information
1050 for each lead agency under contract with the department:

1051 1. All compensation earned or awarded, whether paid or
1052 accrued, regardless of contingency, by position, for any
1053 employee, and any other person who is compensated through a
1054 contract for services whose services include those commonly



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1055 associated with a chief executive, chief administrator, or other
1056 chief officer of a business or corporation, who receives
1057 compensation from state-appropriated funds in excess of 150
1058 percent of the annual salary paid to the secretary of the
1059 department. For purposes of this paragraph, the term "employee"
1060 means a person filling an authorized and established position
1061 who performs labor or services for a public or private employer
1062 in exchange for salary, wages, or other remuneration ~~has the~~
1063 ~~same meaning as in s. 448.095.~~

1064 2. All findings of the review under subsection (3).

1065 Section 21. For the 2023-2024 fiscal year, the nonrecurring
1066 sum of \$12 million from the General Revenue Fund is appropriated
1067 to the Division of Emergency Management within the Executive
1068 Office of the Governor for the Unauthorized Alien Transport
1069 Program.

1070 Section 22. Except as otherwise expressly provided in this
1071 act and except for this section, which shall take effect upon
1072 this act becoming a law, this act shall take effect July 1,
1073 2023.

1074
1075 ===== T I T L E A M E N D M E N T =====

1076 And the title is amended as follows:

1077 Delete everything before the enacting clause
1078 and insert:

1079 A bill to be entitled
1080 An act relating to immigration; creating ss. 125.0156
1081 and 166.246, F.S.; prohibiting counties and
1082 municipalities, respectively, from providing funds to
1083 any person, entity, or organization to issue



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1084 identification documents to an individual who does not
1085 provide proof of lawful presence in the United States;
1086 creating s. 322.033, F.S.; specifying that certain
1087 driver licenses and permits issued by other states
1088 exclusively to unauthorized immigrants are not valid
1089 in this state; requiring law enforcement officers and
1090 authorized representatives of the Department of
1091 Highway Safety and Motor Vehicles to cite a person
1092 driving with a specified invalid license; requiring
1093 the department to maintain a list on its website of
1094 out-of-state classes of driver licenses that are
1095 invalid in this state; amending s. 322.04, F.S.;
1096 revising the circumstances under which certain persons
1097 are exempt from obtaining a driver license; creating
1098 s. 395.3027, F.S.; requiring certain hospitals to
1099 collect patient immigration status data information on
1100 admission or registration forms; requiring hospitals
1101 to submit quarterly reports to the Agency for Health
1102 Care Administration containing specified information;
1103 requiring the agency to submit an annual report to the
1104 Governor and the Legislature containing specified
1105 information; authorizing the agency to adopt rules;
1106 prohibiting rules requiring the disclosure of certain
1107 information; amending s. 448.09, F.S.; requiring the
1108 Department of Economic Opportunity to enter a certain
1109 order and require repayment of certain economic
1110 development incentives if the department finds or is
1111 notified that an employer has knowingly employed an
1112 unauthorized alien without verifying the employment



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1113 eligibility of such person; deleting provisions
1114 relating to a first violation of specified provisions;
1115 providing penalties, including a probationary period
1116 and suspension and revocation of all licenses of
1117 employers; deleting criminal penalties for second and
1118 subsequent violations of specified provisions;
1119 deleting a provision providing construction; providing
1120 criminal penalties for certain aliens who knowingly
1121 use false identification documents or who fraudulently
1122 use identification documents of another person for the
1123 purpose of obtaining employment; making technical
1124 changes; amending s. 448.095, F.S.; revising
1125 definitions; requiring an employer to verify a new
1126 employee's employment eligibility within 3 business
1127 days after the first day the new employee begins
1128 working for pay; requiring public agencies to use the
1129 E-Verify system to verify a new employee's employment
1130 eligibility; requiring private employers with a
1131 certain number of employees to use the E-Verify system
1132 to verify a new employee's employment eligibility,
1133 beginning on a certain date; requiring employers to
1134 certify use of the E-Verify system on unemployment
1135 compensation or reemployment assistance system
1136 returns; requiring employers to use a certain form if
1137 the E-Verify system is unavailable; requiring
1138 employers to retain specified documentation for a
1139 certain number of years; prohibiting an employer from
1140 continuing to employ an unauthorized alien after
1141 obtaining knowledge that a person is or has become an



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1142 unauthorized alien; providing an exception;
1143 authorizing specified persons or entities to request,
1144 and requiring an employer to provide, copies of
1145 specified documentation; creating a certain rebuttable
1146 presumption that the employer has not violated
1147 specified provisions with respect to the employment of
1148 an unauthorized alien; establishing an affirmative
1149 defense to an allegation that the employer has not
1150 violated specified provisions with respect to the
1151 employment of an unauthorized alien; requiring a
1152 public agency to require in any contract that a
1153 contractor or subcontractor register with and use the
1154 E-Verify system; prohibiting a public agency,
1155 contractor, or subcontractor from entering into a
1156 contract unless each party to the contract registers
1157 with and uses the E-Verify system; requiring the
1158 termination of certain contracts under specified
1159 conditions; authorizing a public agency, contractor,
1160 or subcontractor to file a cause of action to
1161 challenge a termination; specifying required
1162 departmental action to ensure compliance with
1163 specified provisions; requiring the department to
1164 impose fines against employers under certain
1165 circumstances; providing for the deposit of such
1166 fines; providing construction; conforming provisions
1167 to changes made by the act; amending s. 454.021, F.S.;
1168 deleting a provision authorizing an unauthorized
1169 immigrant to obtain a license to practice law in this
1170 state under certain circumstances; providing



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1171 applicability; amending s. 787.07, F.S.; providing
1172 criminal penalties for persons who knowingly and
1173 willfully violate, or who reasonably should know and
1174 violate, certain provisions relating to the
1175 transporting into this state of individuals who
1176 entered the United States unlawfully and without
1177 inspection by the Federal Government; providing
1178 criminal penalties for persons who transport minors
1179 into this state in violation of certain provisions;
1180 providing for enhanced criminal penalties; defining
1181 the term "conviction"; providing circumstances that
1182 give rise to a certain inference; requiring that
1183 persons who violate certain provisions be held in
1184 custody; making technical changes; amending s. 895.02,
1185 F.S.; revising the definition of the term
1186 "racketeering activity"; amending s. 908.104, F.S.;
1187 specifying that a state entity, local governmental
1188 entity, or law enforcement agency, or an employee, an
1189 agent, or a representative of the entity or agency,
1190 may not prohibit or in any way restrict a law
1191 enforcement agency from sending the applicable
1192 information obtained pursuant to certain provisions to
1193 a federal immigration agency; amending s. 943.03,
1194 F.S.; requiring the Department of Law Enforcement to
1195 coordinate and direct the law enforcement, initial
1196 emergency, and other initial responses in matters
1197 dealing with the Federal Government in federal
1198 immigration law enforcement and responses to
1199 immigration enforcement incidents within or affecting



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1200 this state; amending s. 943.03101, F.S.; revising
1201 legislative findings and determinations; amending s.
1202 943.0311, F.S.; revising the required duties of the
1203 Chief of Domestic Security; requiring the chief to
1204 regularly coordinate random audits pursuant to
1205 specified provisions and notify the Department of
1206 Economic Opportunity of any violations; amending s.
1207 943.0312, F.S.; revising legislative findings;
1208 requiring that each task force cooperate with and
1209 provide assistance to the Federal Government in the
1210 enforcement of federal immigration laws within or
1211 affecting this state in compliance with specified
1212 provisions, in accordance with the state's domestic
1213 security strategic goals and objectives; requiring the
1214 Chief of Domestic Security to, in conjunction with
1215 specified entities, identify appropriate equipment and
1216 training needs, curricula, and materials related to
1217 the effective response to immigration enforcement
1218 incidents; requiring that each regional domestic
1219 security task force, working in conjunction with
1220 specified entities, work to ensure that hate-driven
1221 acts against ethnic groups that may have been targeted
1222 as a result of immigration enforcement incidents
1223 within or affecting this state are appropriately
1224 investigated and responded to; amending s. 943.0313,
1225 F.S.; revising legislative findings; requiring the
1226 Domestic Security Oversight Council to make
1227 recommendations to the Governor and the Legislature
1228 regarding the expenditure of funds and allocation of



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1229 resources related to cooperating with and providing
1230 assistance to the Federal Government in the
1231 enforcement of federal immigration laws; expanding the
1232 list of persons whom the council may invite to attend
1233 and participate in its meetings as ex officio,
1234 nonvoting members; revising the duties of the council;
1235 amending s. 943.325, F.S.; revising the definition of
1236 the term "qualifying offender" to include certain
1237 persons who are the subject of an immigration detainer
1238 issued by a federal immigration agency; requiring
1239 certain qualifying offenders to submit DNA samples at
1240 a specified time; requiring law enforcement agencies
1241 to immediately take DNA samples from certain
1242 qualifying offenders under certain circumstances;
1243 amending ss. 394.9082 and 409.996, F.S.; conforming
1244 provisions to changes made by the act; providing an
1245 appropriation; providing effective dates.