

By the Committee on Rules; and Senator Ingoglia

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1 A bill to be entitled
2 An act relating to immigration; creating ss. 125.0156
3 and 166.246, F.S.; prohibiting counties and
4 municipalities, respectively, from providing funds to
5 any person, entity, or organization to issue
6 identification documents to an individual who does not
7 provide proof of lawful presence in the United States;
8 creating s. 322.033, F.S.; specifying that certain
9 driver licenses and permits issued by other states
10 exclusively to unauthorized immigrants are not valid
11 in this state; requiring law enforcement officers and
12 authorized representatives of the Department of
13 Highway Safety and Motor Vehicles to cite a person
14 driving with a specified invalid license; requiring
15 the department to maintain a list on its website of
16 out-of-state classes of driver licenses that are
17 invalid in this state; amending s. 322.04, F.S.;
18 revising the circumstances under which certain persons
19 are exempt from obtaining a driver license; creating
20 s. 395.3027, F.S.; requiring certain hospitals to
21 collect patient immigration status data information on
22 admission or registration forms; requiring hospitals
23 to submit quarterly reports to the Agency for Health
24 Care Administration containing specified information;
25 requiring the agency to submit an annual report to the
26 Governor and the Legislature containing specified
27 information; authorizing the agency to adopt rules;
28 prohibiting rules requiring the disclosure of patient
29 names to the agency; amending s. 448.09, F.S.;

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30 increasing the maximum fine that may be imposed for a
31 first violation of specified provisions relating to
32 employing, hiring, recruiting, or referring aliens for
33 private or public employment; providing a fine for
34 second or subsequent violations of specified
35 provisions after a certain previous conviction
36 relating to employing, hiring, recruiting, or
37 referring aliens for private or public employment;
38 providing criminal penalties for certain aliens who
39 knowingly use false identification documents or who
40 fraudulently use identification documents of another
41 person for the purpose of obtaining employment; making
42 technical changes; amending s. 448.095, F.S.; deleting
43 the definition of the term "department"; requiring a
44 public employer, contractor, or subcontractor to
45 retain specified copies for at least a certain number
46 of years; creating a certain rebuttable presumption
47 that the public employer, contractor, or subcontractor
48 has not violated specified provisions with respect to
49 the hiring of an unauthorized alien; prohibiting a
50 public employer from continuing to employ an
51 unauthorized alien after obtaining knowledge that a
52 person is or has become an unauthorized alien;
53 authorizing specified persons or entities to request,
54 and requiring a public employer, contractor, or
55 subcontractor to provide, copies of specified
56 documentation; requiring a public employer,
57 contractor, or subcontractor to provide an affidavit
58 to the Department of Economic Opportunity under

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59 certain circumstances; requiring a private employer to
60 verify a person's employment eligibility before
61 recruiting or referring for a fee a person for
62 employment; requiring a private employer to retain
63 specified copies for at least a certain number of
64 years; deleting a provision absolving private
65 employers of civil or criminal liability for complying
66 with certain provisions; creating a certain rebuttable
67 presumption that the private employer has not violated
68 specified provisions with respect to the hiring,
69 recruitment, or referral for employment of an
70 unauthorized alien; establishing an affirmative
71 defense to an allegation that the private employer has
72 not violated specified provisions with respect to the
73 hiring, recruitment, or referral for employment of an
74 unauthorized alien; prohibiting a private employer
75 from continuing to employ an unauthorized alien after
76 obtaining knowledge that a person is or has become an
77 unauthorized alien; authorizing the Department of
78 Economic Opportunity to request, and requiring a
79 private employer to provide, copies of specified
80 documentation; requiring a person or an entity that
81 determines or finds that a private employer has
82 violated certain provisions to notify the department;
83 revising the required actions that the department must
84 take if a private employer does not comply with
85 specified provisions, including imposing fines for
86 first, second, or subsequent violations; requiring
87 that specified fines be deposited into the General

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88 Revenue Fund; requiring the department to provide
89 certain notice to private employers for any action
90 taken pursuant to specified provisions; requiring the
91 department to notify private employers of the
92 opportunity for a hearing pursuant to specified
93 provisions; deleting provisions relating to penalties
94 imposed upon private employers for specified
95 violations; conforming provisions to changes made by
96 the act; amending s. 454.021, F.S.; deleting a
97 provision authorizing an unauthorized immigrant to
98 obtain a license to practice law in this state under
99 certain circumstances; providing applicability;
100 amending s. 787.07, F.S.; providing criminal penalties
101 for persons who knowingly and willfully violate, or
102 who reasonably should know and who violate, certain
103 provisions relating to the transporting into or within
104 this state, or the concealing, harboring, or shielding
105 from detection, or the attempt thereof, of individuals
106 who entered the United States unlawfully and without
107 inspection by the Federal Government; providing
108 enhanced criminal penalties for prior convictions of
109 specified provisions; defining the term "conviction";
110 providing circumstances that give rise to a certain
111 inference; requiring that persons who violate certain
112 provisions be held in custody; making technical
113 changes; amending s. 908.104, F.S.; specifying that a
114 state entity, local governmental entity, or law
115 enforcement agency, or an employee, an agent, or a
116 representative of the entity or agency, may not

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117 prohibit or in any way restrict a law enforcement
118 agency from sending the applicable information
119 obtained pursuant to certain provisions to a federal
120 immigration agency; amending s. 943.03, F.S.;
121 requiring the Department of Law Enforcement to
122 coordinate and direct the law enforcement, initial
123 emergency, and other initial responses in matters
124 dealing with the Federal Government in federal
125 immigration law enforcement and responses to
126 immigration enforcement incidents within or affecting
127 this state; amending s. 943.03101, F.S.; revising
128 legislative findings and determinations; amending s.
129 943.0311, F.S.; revising the required duties of the
130 Chief of Domestic Security; requiring the chief to
131 regularly coordinate random audits pursuant to
132 specified provisions and notify the Department of
133 Economic Opportunity of any violations; amending s.
134 943.0312, F.S.; revising legislative findings;
135 requiring that each task force cooperate with and
136 provide assistance to the Federal Government in the
137 enforcement of federal immigration laws within or
138 affecting this state in compliance with specified
139 provisions, in accordance with the state's domestic
140 security strategic goals and objectives; requiring the
141 Chief of Domestic Security to, in conjunction with
142 specified entities, identify appropriate equipment and
143 training needs, curricula, and materials related to
144 the effective response to immigration enforcement
145 incidents; requiring that each regional domestic

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146 security task force, working in conjunction with
147 specified entities, work to ensure that hate-driven
148 acts against ethnic groups that may have been targeted
149 as a result of immigration enforcement incidents
150 within or affecting this state are appropriately
151 investigated and responded to; amending s. 943.0313,
152 F.S.; revising legislative findings; requiring the
153 Domestic Security Oversight Council to make
154 recommendations to the Governor and the Legislature
155 regarding the expenditure of funds and allocation of
156 resources related to cooperating with and providing
157 assistance to the Federal Government in the
158 enforcement of federal immigration laws; expanding the
159 list of persons whom the council may invite to attend
160 and participate in its meetings as ex officio,
161 nonvoting members; revising the duties of the council;
162 amending s. 943.325, F.S.; revising the definition of
163 the term "qualifying offender" to include certain
164 persons who are the subject of an immigration detainer
165 issued by a federal immigration agency; requiring
166 certain qualifying offenders to submit DNA samples at
167 a specified time; requiring law enforcement agencies
168 to immediately take DNA samples from certain
169 qualifying offenders under certain circumstances;
170 providing effective dates.

171

172 Be It Enacted by the Legislature of the State of Florida:

173

174 Section 1. Section 125.0156, Florida Statutes, is created

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175 to read:

176 125.0156 Restriction on providing funds for identification
177 documents.—A county may not provide funds to any person, entity,
178 or organization for the purpose of issuing an identification
179 card or document to an individual who does not provide proof of
180 lawful presence in the United States.

181 Section 2. Section 166.246, Florida Statutes, is created to
182 read:

183 166.246 Restriction on providing funds for identification
184 documents.—A municipality may not provide funds to any person,
185 entity, or organization for the purpose of issuing an
186 identification card or document to an individual who does not
187 provide proof of lawful presence in the United States.

188 Section 3. Section 322.033, Florida Statutes, is created to
189 read:

190 322.033 Unauthorized aliens; invalid out-of-state driver
191 licenses.—

192 (1) If a driver license is of a class of licenses issued by
193 another state exclusively to undocumented immigrants who are
194 unable to prove lawful presence in the United States when the
195 licenses are issued, the driver license, or other permit
196 purporting to authorize the holder to operate a motor vehicle on
197 public roadways, is invalid in this state and does not authorize
198 the holder to operate a motor vehicle in this state. Such
199 classes of licenses include licenses that are issued exclusively
200 to undocumented immigrants or licenses that are substantially
201 the same as licenses issued to citizens, residents, or those
202 lawfully present in the United States but have markings
203 establishing that the license holder did not exercise the option

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204 of providing proof of lawful presence.

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

210 (3) The department, to facilitate the enforcement of this
211 section and to aid in providing notice to the public and
212 visitors of invalid licenses, shall maintain on its website a
213 list of out-of-state classes of driver licenses that are invalid
214 in this state.

215 Section 4. Section 322.04, Florida Statutes, is amended to
216 read:

217 322.04 Persons exempt from obtaining driver license.—

218 (1) The following persons are exempt from obtaining a
219 driver license:

220 (a) Any employee of the United States Government, while
221 operating a noncommercial motor vehicle owned by or leased to
222 the United States Government and being operated on official
223 business.

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

227 (c) A nonresident who is at least 16 years of age and who
228 has in his or her immediate possession a valid noncommercial
229 driver license issued to the nonresident in his or her home
230 state or country operating a motor vehicle of the type for which
231 a Class E driver license is required in this state, if the
232 nonresident's license is not invalid under s. 322.033 relating

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233 to proof of the licensee's lawful presence in the United States.

234 (d) A nonresident who is at least 18 years of age and who
235 has in his or her immediate possession a valid noncommercial
236 driver license issued to the nonresident in his or her home
237 state or country operating a motor vehicle, other than a
238 commercial motor vehicle, in this state, if the nonresident's
239 license is not invalid under s. 322.033 relating to proof of the
240 licensee's lawful presence in the United States.

241 (e) Any person operating a golf cart, as defined in s.
242 320.01, which is operated in accordance with the provisions of
243 s. 316.212.

244 (2) This section does not apply to any person to whom s.
245 322.031 applies.

246 (3) Any person working for a firm under contract to the
247 United States Government whose residence is outside this state
248 and whose main point of employment is outside this state may
249 drive a noncommercial vehicle on the public roads of this state
250 for periods up to 60 days while in this state on temporary duty,
251 if the person has a valid driver license from the state of the
252 person's residence and if the license is not invalid under s.
253 322.033 relating to proof of the licensee's lawful presence in
254 the United States.

255 Section 5. Section 395.3027, Florida Statutes, is created
256 to read:

257 395.3027 Patient immigration status data collection.-

258 (1) Each hospital that accepts Medicaid must include a
259 provision on its patient admission or registration forms for the
260 patient or the patient's representative to state or indicate
261 whether the patient is a United States citizen or lawfully

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262 present in the United States or is not lawfully present in the
263 United States. The inquiry must be followed by a statement that
264 the response will not affect patient care or result in a report
265 of the patient's immigration status to immigration authorities.

266 (2) Each hospital must submit a quarterly report to the
267 agency within 30 days after the end of each calendar quarter
268 which reports the number of hospital admissions or visits within
269 the previous quarter which were made by a patient who indicated
270 that he or she was a citizen of the United States or lawfully
271 present in the United States, was not lawfully present in the
272 United States, or declined to answer.

273 (3) By March 1 of each year, the agency shall submit a
274 report to the Governor, the President of the Senate, and the
275 Speaker of the House of Representatives which includes the total
276 number of hospital admissions and visits for the previous
277 calendar year for which the patient or patient's representative
278 reported that the patient was a citizen of the United States or
279 lawfully present in the United States, was not lawfully present
280 in the United States, or declined to answer. The report must
281 also describe information relating to the costs of uncompensated
282 care for aliens who are not lawfully present in the United
283 States, the impact of uncompensated care on the cost or ability
284 of hospitals to provide services to the public, hospital funding
285 needs, and other related information.

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

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291 disclosure of patient names to the agency.

292 Section 6. Section 448.09, Florida Statutes, is amended to
293 read:

294 448.09 Unauthorized aliens; employment prohibited.—

295 (1) It is ~~shall be~~ unlawful for any person to knowingly ~~to~~
296 employ, hire, recruit, or refer, either for herself or himself
297 or on behalf of another, for private or public employment within
298 the state, an alien who is not duly authorized to work by the
299 immigration laws or the Attorney General of the United States.

300 (2) A person who violates ~~The first violation of~~ subsection
301 (1) a first time commits ~~shall be~~ a noncriminal violation ~~as~~
302 ~~defined in s. 775.08(3) and, upon conviction, shall be~~
303 ~~punishable as provided in s. 775.082(5) by a civil fine of not~~
304 ~~more than \$1,000~~ \$500, regardless of the number of aliens with
305 respect to whom the violation occurred.

306 (3) A ~~Any~~ person who has been previously convicted for a
307 violation of subsection (1) and who subsequently thereafter
308 ~~violates that~~ subsection commits ~~(1)~~, ~~shall be guilty of a~~
309 ~~misdemeanor of the second degree, punishable as provided in s.~~
310 ~~775.082 or s. 775.083,~~ except that the fine is \$2,500. Any such
311 subsequent violation of this section constitutes ~~shall~~
312 ~~constitute~~ a separate offense with respect to each unauthorized
313 alien.

314 (4) Any alien who is not duly authorized to work by the
315 immigration laws or the Attorney General of the United States
316 who knowingly uses a false identification document, or who
317 fraudulently uses an identification document of another person,
318 for the purpose of obtaining employment commits a felony of the
319 third degree, punishable as provided in s. 775.082 or s.

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320 775.083.

321 Section 7. Paragraph (c) of subsection (1), paragraph (a)
322 of subsection (2), and subsection (3) of section 448.095,
323 Florida Statutes, are amended, and paragraphs (g), (h), and (i)
324 are added to subsection (2) of that section, to read:

325 448.095 Employment eligibility.—

326 (1) DEFINITIONS.—As used in this section, the term:

327 ~~(c) "Department" means the Department of Economic~~
328 ~~Opportunity.~~

329 (2) PUBLIC EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS.—

330 (a) ~~Beginning January 1, 2021,~~ Every public employer,
331 contractor, and subcontractor shall register with and use the E-
332 Verify system to verify the work authorization status of all
333 newly hired employees. A public employer, contractor, or
334 subcontractor may not enter into a contract unless each party to
335 the contract registers with and uses the E-Verify system. A
336 public employer, contractor, or subcontractor must retain a copy
337 of the official verification generated by the E-Verify system
338 and any supporting documentation used to generate the
339 verification for at least 5 years after the date the
340 verification was generated.

341 (g)1. A public employer, contractor, or subcontractor that
342 establishes compliance with this subsection with respect to the
343 hiring of an unauthorized alien has established a rebuttable
344 presumption that the public employer, contractor, or
345 subcontractor has not violated this section with respect to such
346 hiring.

347 2. A public employer, contractor, or subcontractor may not
348 continue to employ an unauthorized alien after obtaining

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349 knowledge that a person is or has become an unauthorized alien.

350 (h)1. For the purpose of enforcement of this section, the
351 following persons or entities may request, and a public
352 employer, contractor, or subcontractor must provide, copies of
353 any documentation relied upon by the public employer,
354 contractor, or subcontractor for the verification of a person's
355 employment eligibility, including, but not limited to, any
356 documentation required under paragraph (a) or paragraph (b):

357 a. The Department of Law Enforcement.

358 b. The Attorney General.

359 c. The state attorney.

360 d. The statewide prosecutor.

361 e. The Department of Economic Opportunity.

362 2. A person or entity that makes a request under this
363 paragraph must rely upon the Federal Government to verify a
364 person's employment eligibility and may not independently make a
365 final determination as to whether a person is an unauthorized
366 alien. If the person or entity determines or finds that a public
367 employer, contractor, or subcontractor has violated this
368 section, the person or entity must notify the Department of
369 Economic Opportunity.

370 (i) If a public employer, contractor, or subcontractor does
371 not comply with paragraph (a) or paragraph (b), as applicable,
372 the Department of Economic Opportunity must require the public
373 employer, contractor, or subcontractor to provide an affidavit
374 to the department stating that the entity will comply with
375 paragraphs (a) and (b), as applicable, the entity has terminated
376 the employment of all unauthorized aliens employed in this
377 state, and the entity will not intentionally or knowingly employ

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378 an unauthorized alien in this state.

379 (3) PRIVATE EMPLOYERS.—

380 (a) ~~Beginning January 1, 2021, a private employer shall,~~
381 After making an offer of employment which has been accepted by a
382 person or before recruiting or referring for a fee a person for
383 employment, a private employer shall verify such person's
384 employment eligibility. A private employer is not required to
385 verify the employment eligibility of a continuing employee hired
386 before January 1, 2021. However, if a person is a contract
387 employee retained by a private employer, the private employer
388 must verify the employee's employment eligibility upon the
389 renewal or extension of his or her contract.

390 (b) A private employer shall verify a person's employment
391 eligibility by:

- 392 1. Using the E-Verify system; or
393 2. Requiring the person to provide the same documentation
394 that is required by the United States Citizenship and
395 Immigration Services on its Employment Eligibility Verification
396 form (Form I-9).

397 (c) The private employer must retain, for at least 5 years:

398 1. A copy of the documentation provided ~~under this~~
399 ~~subparagraph for at least 3 years~~ after the person's initial
400 date of employment.

401 2. A copy of the official verification generated by the E-
402 Verify system, if used, and any supporting documentation used to
403 generate the verification after the date the verification was
404 generated.

405 ~~(c) A private employer that complies with this subsection~~
406 ~~may not be held civilly or criminally liable under state law for~~

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407 ~~hiring, continuing to employ, or refusing to hire an~~
408 ~~unauthorized alien if the information obtained under paragraph~~
409 ~~(b) indicates that the person's work authorization status was~~
410 ~~not that of an unauthorized alien.~~

411 (d)1. A private employer that establishes compliance with
412 subparagraph (b)1. with respect to the hiring, recruitment, or
413 referral for employment of an unauthorized alien has established
414 a rebuttable presumption that the private employer has not
415 violated this section with respect to such hiring, recruiting,
416 or referral.

417 2. A private employer that establishes compliance with
418 subparagraph (b)2. with respect to the hiring, recruitment, or
419 referral for employment of an unauthorized alien has established
420 an affirmative defense that the private employer has not
421 violated this section with respect to such hiring, recruiting,
422 or referral.

423 3. A private employer may not continue to employ an
424 unauthorized alien after obtaining knowledge that a person is or
425 has become an unauthorized alien ~~For purposes of this~~
426 ~~subsection, compliance with paragraph (b) creates a rebuttable~~
427 ~~presumption that a private employer did not knowingly employ an~~
428 ~~unauthorized alien in violation of s. 448.09(1).~~

429 (e)1. For the purpose of enforcement of this section, the
430 following persons or entities may request, and a private
431 employer must provide, copies of any documentation relied upon
432 by the private employer for the verification of a person's
433 employment eligibility, including, but not limited to, any
434 documentation required under paragraph (b) or paragraph (c):

435 a.1. The Department of Law Enforcement.

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436 ~~b.2.~~ The Attorney General.

437 ~~c.3.~~ The state attorney.

438 ~~d.4.~~ The statewide prosecutor.

439 e. The Department of Economic Opportunity.

440 2. A person or entity that makes a request under this
441 paragraph must rely upon the Federal Government to verify a
442 person's employment eligibility and may not independently make a
443 final determination as to whether a person is an unauthorized
444 alien. If the person or entity determines or finds that a
445 private employer has violated this section, the person or entity
446 must notify the Department of Economic Opportunity.

447 (f) If a private employer does not comply with paragraph
448 (b) or paragraph (c), the Department of Economic Opportunity
449 must: shall

450 1. Require the private employer to provide an affidavit to
451 the department stating that the private employer will comply
452 with ~~paragraphs~~ ~~paragraph~~ (b) and (c), the private employer has
453 terminated the employment of all unauthorized aliens employed in
454 this state, and the employer will not intentionally or knowingly
455 employ an unauthorized alien in this state.

456 a. If the private employer does not provide the required
457 affidavit within 30 days after the department's request, the
458 department shall notify all appropriate agencies to suspend ~~the~~
459 ~~appropriate licensing agency shall suspend~~ all applicable
460 licenses held by the private employer. The appropriate agency
461 shall notify the private employer that such suspension is
462 effective until the private employer provides the department
463 with the required affidavit. Upon receipt of the required
464 affidavit, the department shall notify the respective agencies

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465 to reinstate the licenses held by the private employer.

466 b. For any private employer that does not provide the
467 required affidavit within 30 days after the department's request
468 three times within any 24-month period, all applicable licenses
469 held by the private employer must be revoked by the respective
470 agencies that issued them.

471 2. Impose a fine if the private employer knowingly employed
472 an unauthorized alien in violation of this subsection:

473 a. For a first violation, the fine is \$5,000 for each
474 unauthorized alien employed as a result of noncompliance with
475 this subsection.

476 b. For a second violation within 24 months of the first
477 violation, the fine is \$7,500 for each unauthorized alien
478 employed as a result of noncompliance with this subsection.
479 Additionally, all applicable licenses held by the private
480 employer must be suspended for 120 days by the respective
481 agencies that issued them.

482 c. For a third or subsequent violation within 24 months of
483 the first violation, the fine is \$10,000 for each unauthorized
484 alien employed as a result of noncompliance with this
485 subsection. Additionally, all applicable licenses held by the
486 private employer must be revoked by the respective agencies that
487 issued them.

488 d. All fines imposed pursuant to this subparagraph must be
489 deposited in the General Revenue Fund.

490 (g) For purposes of paragraph (f): ~~this paragraph,~~

491 1. The applicable licenses that are subject to suspension
492 or revocation under that ~~this~~ paragraph are all licenses that
493 are held by the private employer specific to the business

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494 location where the unauthorized alien performed work. If the
495 private employer does not hold a license specific to the
496 business location where the unauthorized alien performed work,
497 but a license is necessary to operate the private employer's
498 business in general, the licenses that are subject to suspension
499 or revocation under ~~this~~ paragraph (f) are all licenses that are
500 held by the private employer at the private employer's primary
501 place of business.

502 2. The Department of Economic Opportunity must provide
503 notice to a private employer for any action under that paragraph
504 in accordance with the provisions of chapter 120, including a
505 statement of facts, and must notify the private employer of the
506 opportunity for a hearing pursuant to ss. 120.569 and 120.57.

507 ~~(g) For any private employer found to have violated~~
508 ~~paragraph (f) three times within any 36 month period, the~~
509 ~~appropriate licensing agency shall permanently revoke all~~
510 ~~licenses that are held by the private employer specific to the~~
511 ~~business location where the unauthorized alien performed work.~~
512 ~~If the private employer does not hold a license specific to the~~
513 ~~business location where the unauthorized alien performed work,~~
514 ~~but a license is necessary to operate the private employer's~~
515 ~~business in general, the appropriate licensing agency shall~~
516 ~~permanently revoke all licenses that are held by the private~~
517 ~~employer at the private employer's primary place of business.~~

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

520 454.021 Attorneys; admission to practice law; Supreme Court
521 to govern and regulate.—

522 ~~(3) Upon certification by the Florida Board of Bar~~

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523 ~~Examiners that an applicant who is an unauthorized immigrant who~~
524 ~~was brought to the United States as a minor; has been present in~~
525 ~~the United States for more than 10 years; has received~~
526 ~~documented employment authorization from the United States~~
527 ~~Citizenship and Immigration Services (USCIS); has been issued a~~
528 ~~social security number; if a male, has registered with the~~
529 ~~Selective Service System if required to do so under the Military~~
530 ~~Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all~~
531 ~~requirements for admission to practice law in this state, the~~
532 ~~Supreme Court of Florida may admit that applicant as an attorney~~
533 ~~at law authorized to practice in this state and may direct an~~
534 ~~order be entered upon the court's records to that effect.~~

535 Section 9. The repeal of s. 454.021(3), Florida Statutes,
536 by this act does not affect the validity of any license to
537 practice law issued pursuant to that subsection before November
538 1, 2026.

539 Section 10. Section 787.07, Florida Statutes, is amended to
540 read:

541 787.07 Human smuggling.—

542 (1) Except as provided in subsections (3) and (4), a person
543 who knowingly and willfully commits any of the following
544 offenses commits a felony of the third degree, punishable as
545 provided in s. 775.082, s. 775.083, or s. 775.084:

546 (a) Transports into or within this state an individual whom
547 who the person knows, or reasonably should know, has entered is
548 illegally entering the United States in violation of law and has
549 not been inspected by the Federal Government since his or her
550 unlawful entry from another country.

551 (b) Conceals, harbors, or shields from detection, or

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552 attempts to conceal, harbor, or shield from detection, in any
553 place within this state, including any temporary or permanent
554 structure or through any means of transportation, an individual
555 whom the person knows, or reasonably should know, has entered
556 the United States in violation of law and has not been inspected
557 by the Federal Government since his or her unlawful entry from
558 another country ~~commits a felony of the third degree, punishable~~
559 as provided in s. 775.082, s. 775.083, or s. 775.084.

560 (2) A person commits a separate offense for each individual
561 he or she transports, conceals, harbors, or shields from
562 detection, or attempts to transport, conceal, harbor, or shield
563 from detection, ~~into this state~~ in violation of this section.

564 (3) A person who commits five or more separate offenses
565 under this section during a single episode commits a felony of
566 the second degree, punishable as provided in s. 775.082, s.
567 775.083, or s. 775.084.

568 (4) (a) A person with a prior conviction under this section
569 who commits a subsequent violation of this section commits a
570 felony of the second degree, punishable as provided in s.
571 775.082, s. 775.083, or s. 775.084.

572 (b) As used in paragraph (a), the term "conviction" means a
573 determination of guilt that is the result of a plea agreement or
574 a trial, regardless of whether adjudication is withheld or a
575 plea of nolo contendere is entered.

576 (5) Proof that a person knowingly and willfully presented
577 false identification or gave false information to a law
578 enforcement officer who is conducting an investigation for a
579 violation of this section gives rise to an inference that such
580 person was aware that the transported, concealed, harbored, or

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581 shielded individual has entered the United States in violation
582 of the law and had not been inspected by the Federal Government
583 since his or her unlawful entry.

584 (6) A person who is arrested for a violation of this
585 section must be held in custody until brought before the court
586 for admittance to pretrial release in accordance with chapter
587 903.

588 Section 11. Paragraph (f) is added to subsection (2) of
589 section 908.104, Florida Statutes, to read:

590 908.104 Cooperation with federal immigration authorities.-

591 (2) Except as otherwise expressly prohibited by federal
592 law, a state entity, local governmental entity, or law
593 enforcement agency, or an employee, an agent, or a
594 representative of the entity or agency, may not prohibit or in
595 any way restrict a law enforcement agency from taking any of the
596 following actions with respect to information regarding a
597 person's immigration status:

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

600 Section 12. Subsection (14) of section 943.03, Florida
601 Statutes, is amended to read:

602 943.03 Department of Law Enforcement.-

603 (14) The department, with respect to counter-terrorism
604 efforts, responses to acts of terrorism within or affecting this
605 state, coordinating with and providing assistance to the Federal
606 Government in the enforcement of federal immigration laws,
607 responses to immigration enforcement incidents within or
608 affecting this state, and other matters related to the domestic
609 security of Florida as it relates to terrorism and immigration

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610 enforcement incidents, shall coordinate and direct the law
611 enforcement, initial emergency, and other initial responses. The
612 department shall work closely with the Division of Emergency
613 Management, other federal, state, and local law enforcement
614 agencies, fire and rescue agencies, first-responder agencies,
615 and others involved in preparation against acts of terrorism in
616 or affecting this state, immigration enforcement incidents
617 within or affecting this state, and in the response to such acts
618 or incidents. The executive director of the department, or
619 another member of the department designated by the director,
620 shall serve as Chief of Domestic Security for the purpose of
621 directing and coordinating such efforts. The department and
622 Chief of Domestic Security shall use the regional domestic
623 security task forces as established in this chapter to assist in
624 such efforts.

625 Section 13. Section 943.03101, Florida Statutes, is amended
626 to read:

627 943.03101 Counter-terrorism and immigration enforcement
628 coordination.—The Legislature finds that with respect to
629 counter-terrorism efforts, ~~and~~ initial responses to acts of
630 terrorism within or affecting this state, coordinating with and
631 providing assistance to the Federal Government in the
632 enforcement of federal immigration laws, and responses to
633 immigration enforcement incidents within or affecting this
634 state, specialized efforts of emergency management which are
635 unique to such situations are required and that these efforts
636 intrinsically involve very close coordination of federal, state,
637 and local law enforcement agencies with the efforts of all
638 others involved in emergency-response efforts. In order to best

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639 provide this specialized effort, the Legislature has determined
640 that such efforts should be coordinated by and through the
641 Department of Law Enforcement, working closely with the Division
642 of Emergency Management and others involved in preparation
643 against acts of terrorism in or affecting this state,
644 immigration enforcement incidents within or affecting this
645 state, and in the initial response to such acts, in accordance
646 with the state comprehensive emergency management plan prepared
647 pursuant to s. 252.35(2) (a).

648 Section 14. Present subsections (2) through (7) of section
649 943.0311, Florida Statutes, are redesignated as subsections (3)
650 through (8), respectively, a new subsection (2) is added to that
651 section, and subsection (1) and present subsection (3) of that
652 section are amended, to read:

653 943.0311 Chief of Domestic Security; duties of the
654 department with respect to domestic security.—

655 (1) The executive director of the department, or a member
656 of the department designated by the executive director, shall
657 serve as the Chief of Domestic Security. The Chief of Domestic
658 Security shall:

659 (a) Coordinate the efforts of the department in the ongoing
660 assessment of this state's vulnerability to, and ability to
661 detect, prevent, prepare for, respond to, and recover from,
662 of terrorism within or affecting this state and immigration
663 enforcement incidents within or affecting this state.

664 (b) Prepare recommendations for the Governor, the President
665 of the Senate, and the Speaker of the House of Representatives,
666 which are based upon ongoing assessments to limit the
667 vulnerability of the state to terrorism and immigration

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668 enforcement incidents.

669 (c) Coordinate the collection of proposals to limit the
670 vulnerability of the state to terrorism and immigration
671 enforcement incidents.

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

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

676 (2) The chief shall regularly coordinate random audits
677 pursuant to s. 448.095 to ensure compliance and enforcement and
678 shall notify the Department of Economic Opportunity of any
679 violations.

680 (4)~~(3)~~ The chief shall report to the Governor, the
681 President of the Senate, and the Speaker of the House of
682 Representatives by November 1 of each year suggestions for
683 specific and significant security enhancements of any building,
684 facility, or structure owned or leased by a state agency, state
685 university, or community college or any entity that has
686 conducted an assessment under subsection (6) ~~(5)~~. The chief may
687 utilize the assessments provided under subsection (6) ~~(5)~~ in
688 making his or her suggestions. The report shall suggest
689 strategies to maximize federal funds in support of building or
690 facility security if such funds are available.

691 Section 15. Section 943.0312, Florida Statutes, is amended
692 to read:

693 943.0312 Regional domestic security task forces.—The
694 Legislature finds that there is a need to develop and implement
695 a statewide strategy to address prevention, preparation,
696 protection, response, and recovery efforts by federal, state,

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697 and local law enforcement agencies, emergency management
698 agencies, fire and rescue departments, first-responder
699 personnel, and others in dealing with potential or actual
700 terrorist acts within or affecting this state and potential or
701 actual immigration enforcement incidents within or affecting
702 this state.

703 (1) To assist the department and the Chief of Domestic
704 Security in performing their roles and duties in this regard,
705 the department shall establish a regional domestic security task
706 force in each of the department's operational regions. The task
707 forces shall serve in an advisory capacity to the department and
708 the Chief of Domestic Security and shall provide support to the
709 department in its performance of functions pertaining to
710 domestic security.

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

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

718 (c) Each task force membership may also include
719 representatives of state and local law enforcement agencies,
720 fire and rescue departments, or first-responder personnel;
721 representatives of emergency management agencies and health,
722 medical, and hospital agencies; representatives of local
723 emergency planning committees; and other persons as deemed
724 appropriate and necessary by the task force co-chairs.

725 (d) The co-chairs of each task force may appoint

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726 subcommittees and subcommittee chairs as necessary in order to
727 address issues related to the various disciplines represented on
728 the task force, except that subcommittee chairs for emergency
729 management shall be appointed with the approval of the director
730 of the Division of Emergency Management. A subcommittee chair
731 shall serve at the pleasure of the co-chairs.

732 (2) In accordance with the state's domestic security
733 strategic goals and objectives, each task force shall coordinate
734 efforts to counter terrorism~~7~~, as defined by s. 775.30~~7~~, and
735 cooperate with and provide assistance to the Federal Government
736 in the enforcement of federal immigration laws within or
737 affecting this state in compliance with chapter 908, among
738 local, state, and federal resources to ensure that such efforts
739 are not fragmented or unnecessarily duplicated; coordinate
740 training for local and state personnel to counter terrorism as
741 defined in ~~by~~ s. 775.30~~;~~ and cooperate with and provide
742 assistance to the Federal Government in the enforcement of
743 federal immigration laws within or affecting this state in
744 compliance with chapter 908; coordinate the collection and
745 dissemination of investigative and intelligence information; and
746 facilitate responses to terrorist incidents within or affecting
747 each region and immigration enforcement incidents within or
748 affecting each region. With the approval of the Chief of
749 Domestic Security, the task forces may incorporate other
750 objectives reasonably related to the goals of enhancing the
751 state's domestic security and ability to detect, prevent, and
752 respond to acts of terrorism within or affecting this state or
753 immigration enforcement incidents within or affecting this
754 state. Each task force shall take into account the variety of

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755 conditions and resources present within its region.

756 (3) The Chief of Domestic Security, in conjunction with the
757 Division of Emergency Management, the regional domestic security
758 task forces, and the various state entities responsible for
759 establishing training standards applicable to state law
760 enforcement officers and fire, emergency, and first-responder
761 personnel shall identify appropriate equipment and training
762 needs, curricula, and materials related to the effective
763 response to suspected or actual acts of terrorism, immigration
764 enforcement incidents, or incidents involving real or hoax
765 weapons of mass destruction as defined in s. 790.166.

766 Recommendations for funding for purchases of equipment, delivery
767 of training, implementation of, or revision to basic or
768 continued training required for state licensure or
769 certification, or other related responses shall be made by the
770 Chief of Domestic Security to the Domestic Security Oversight
771 Council, the Executive Office of the Governor, the President of
772 the Senate, and the Speaker of the House of Representatives as
773 necessary to ensure that the needs of this state with regard to
774 the preparing, equipping, training, and exercising of response
775 personnel are identified and addressed. In making such
776 recommendations, the Chief of Domestic Security and the Division
777 of Emergency Management shall identify all funding sources that
778 may be available to fund such efforts.

779 (4) Each regional domestic security task force, working in
780 conjunction with the department, the Office of the Attorney
781 General, and other public or private entities, shall work to
782 ensure that hate-driven acts against ethnic groups that may have
783 been targeted as a result of acts of terrorism in or affecting

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784 this state, or as a result of immigration enforcement incidents
785 within or affecting this state, are appropriately investigated
786 and responded to.

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

791 (6) Subject to annual appropriation, the department shall
792 provide staff and administrative support for the regional
793 domestic security task forces.

794 Section 16. Section 943.0313, Florida Statutes, is amended
795 to read:

796 943.0313 Domestic Security Oversight Council.—The
797 Legislature finds that there exists a need to provide executive
798 direction and leadership with respect to terrorism and
799 immigration enforcement incident prevention, preparation,
800 protection, response, and recovery efforts by state and local
801 agencies in this state. In recognition of this need, the
802 Domestic Security Oversight Council is hereby created. The
803 council shall serve as an advisory council pursuant to s.
804 20.03(7) to provide guidance to the state's regional domestic
805 security task forces and other domestic security working groups
806 and to make recommendations to the Governor and the Legislature
807 regarding the expenditure of funds and allocation of resources
808 related to counter-terrorism and cooperating with and providing
809 assistance to the Federal Government in the enforcement of
810 federal immigration laws and domestic security efforts.

811 (1) MEMBERSHIP.—

812 (a) The Domestic Security Oversight Council shall consist

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813 of the following voting members:

- 814 1. The executive director of the Department of Law
815 Enforcement.
- 816 2. The director of the Division of Emergency Management.
- 817 3. The Attorney General.
- 818 4. The Commissioner of Agriculture.
- 819 5. The State Surgeon General.
- 820 6. The Commissioner of Education.
- 821 7. The State Fire Marshal.
- 822 8. The adjutant general of the Florida National Guard.
- 823 9. The state chief information officer.
- 824 10. Each sheriff or chief of police who serves as a co-
825 chair of a regional domestic security task force pursuant to s.
826 943.0312(1)(b).
- 827 11. Each of the department's special agents in charge who
828 serve as a co-chair of a regional domestic security task force.
- 829 12. Two representatives of the Florida Fire Chiefs
830 Association.
- 831 13. One representative of the Florida Police Chiefs
832 Association.
- 833 14. One representative of the Florida Prosecuting Attorneys
834 Association.
- 835 15. The chair of the Statewide Domestic Security
836 Intelligence Committee.
- 837 16. One representative of the Florida Hospital Association.
- 838 17. One representative of the Emergency Medical Services
839 Advisory Council.
- 840 18. One representative of the Florida Emergency
841 Preparedness Association.

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842 19. One representative of the Florida Seaport
843 Transportation and Economic Development Council.

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

848 1. The executive director of the Department of Highway
849 Safety and Motor Vehicles.

850 2. The Secretary of Health Care Administration.

851 3. The Secretary of Environmental Protection.

852 4. The director of the Division of Law Enforcement within
853 the Fish and Wildlife Conservation Commission.

854 5. A representative of the Commission on Human Relations.

855 6. A representative of the United States Coast Guard.

856 7. A United States Attorney from a federal judicial circuit
857 within this state.

858 8. A special agent in charge from an office of the Federal
859 Bureau of Investigation within this state.

860 9. A representative of the United States Department of
861 Homeland Security.

862 10. A representative of United States Immigration and
863 Customs Enforcement.

864 11. A representative of United States Customs and Border
865 Protection.

866 (2) ORGANIZATION.—

867 (a) The Legislature finds that the council serves a
868 legitimate state, county, and municipal purpose and that service
869 on the council is consistent with a member's principal service
870 in public office or employment. Membership on the council does

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871 not disqualify a member from holding any other public office or
872 being employed by a public entity, except that a member of the
873 Legislature may not serve on the council.

874 (b) The executive director of the Department of Law
875 Enforcement shall serve as chair of the council, and the
876 director of the Division of Emergency Management shall serve as
877 vice chair of the council. In the absence of the chair, the vice
878 chair shall serve as chair. In the absence of the vice chair,
879 the chair may name any member of the council to perform the
880 duties of the chair if such substitution does not extend beyond
881 a defined meeting, duty, or period of time.

882 (c) Any absent voting member of the council may be
883 represented by a designee empowered to act on any issue before
884 the council to the same extent that the designating member is
885 empowered. If a co-chair of a regional domestic security task
886 force is absent from a council meeting, the co-chair shall
887 appoint a subcommittee chair of that task force as the designee.

888 (d) The council shall establish bylaws for its general
889 governance.

890 (e) Any member of the council serving by reason of the
891 office or employment held by the member shall cease to serve on
892 the council at such time as he or she ceases to hold the office
893 or employment which was the basis for appointment to the
894 council.

895 (f) Representatives from agencies or organizations other
896 than those designated by title shall be chosen by the entity.
897 Except for those individuals designated by title, council
898 members shall be certified annually to the chair by the
899 organization they represent.

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900 (g) Members of the council or their designees shall serve
901 without compensation but are entitled to reimbursement for per
902 diem and travel expenses pursuant to s. 112.061.

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

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

908 (4) EXECUTIVE COMMITTEE.—

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

911 1. The executive director of the Department of Law
912 Enforcement.

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

914 3. The Attorney General.

915 4. The Commissioner of Agriculture.

916 5. The State Surgeon General.

917 6. The Commissioner of Education.

918 7. The State Fire Marshal.

919 (b) The executive director of the Department of Law
920 Enforcement shall serve as the chair of the executive committee,
921 and the director of the Division of Emergency Management shall
922 serve as the vice chair of the executive committee.

923 (c) The executive committee shall approve all matters
924 brought before the council prior to consideration. When
925 expedited action of the council is deemed necessary by the chair
926 or vice chair, the executive committee may act on behalf of the
927 council.

928 (5) DUTIES OF THE COUNCIL.—

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929 (a) The Domestic Security Oversight Council shall serve as
930 an advisory council to the Governor, the Legislature, and the
931 Chief of Domestic Security. The council shall:

932 1. Review the development, maintenance, and operation of a
933 comprehensive multidisciplinary domestic security strategy that
934 will guide the state's prevention, preparedness, protection,
935 response, and recovery efforts against terrorist attacks and
936 immigration enforcement incidents and make appropriate
937 recommendations to ensure the implementation of that strategy.

938 2. Review the development of integrated funding plans to
939 support specific projects, goals, and objectives necessary to
940 the state's domestic security strategy and make appropriate
941 recommendations to implement those plans.

942 3. Review and recommend approval of prioritized
943 recommendations from regional domestic security task forces and
944 state working groups on the use of available funding to ensure
945 the use of such funds in a manner that best promotes the goals
946 of statewide, regional, and local domestic security through
947 coordinated planning and implementation strategies.

948 4. Review and recommend approval of statewide policies and
949 operational protocols that support the domestic security efforts
950 of the regional domestic security task forces and state
951 agencies.

952 5. Review the overall statewide effectiveness of domestic
953 security efforts, and counter-terrorism efforts, and efforts of
954 coordinating with and providing assistance to the Federal
955 Government in the enforcement of federal immigration laws in
956 order to provide suggestions to improve or enhance those
957 efforts.

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958 6. Review the efforts of any agency or entity involved in
959 state or local domestic security efforts, ~~and~~ counter-terrorism
960 efforts, and efforts of coordination with and providing
961 assistance to the Federal Government in the enforcement of
962 federal immigration laws that requests assistance or that
963 appears to need such review in order to provide suggestions to
964 improve or enhance those efforts.

965 7. Review efforts within the state to better secure state
966 and local infrastructure against terrorist attack or immigration
967 enforcement incidents and make recommendations to enhance the
968 effectiveness of such efforts.

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

972 9. Review statewide or multiagency mobilizations and
973 responses to major domestic security incidents and recommend
974 suggestions for training, improvement of response efforts, or
975 improvement of coordination or for other strategies that may be
976 derived as necessary from such reviews.

977 10. Conduct any additional review or inquiry or make
978 recommendations to the Governor and Legislature in support of
979 other initiatives, as may be necessary, to fulfill the function
980 of general oversight of the state's domestic security efforts,
981 ~~and~~ counter-terrorism efforts, and efforts of coordinating with
982 and providing assistance to the Federal Government in the
983 enforcement of federal immigration laws and to promote increased
984 security.

985 11. Promote and preserve intergovernmental cooperation and
986 consensus among state and local agencies, the Federal

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987 Government, private entities, other states, and other nations,
988 as appropriate, under the guidance of the Governor.

989 (b) The Domestic Security Oversight Council shall make an
990 annual funding recommendation to the Governor and Legislature
991 which shall prioritize funding requests based on allocations
992 from all available sources for implementing the state's domestic
993 security strategy. This recommendation must include the
994 prioritized recommendations of each of the regional domestic
995 security task forces and the various working groups that
996 participate in the prioritization process for funding
997 allocations. The recommendation must reflect the consideration
998 of strategic priorities and allocations that best serve the
999 state's overall domestic security needs. The recommendation
1000 shall be transmitted to the Governor and the Legislature by
1001 December 31 of each year. If additional funds become available,
1002 or reallocation of funding is required beyond current spending
1003 authorizations, the council may make recommendations to the
1004 Governor for consideration by the Legislative Budget Commission.

1005 (6) REPORTS.—The council shall report annually on its
1006 activities, on or before December 31 of each calendar year, to
1007 the Governor, the President of the Senate, the Speaker of the
1008 House of Representatives, and the chairs of the committees
1009 having principal jurisdiction over domestic security in the
1010 Senate and the House of Representatives.

1011 (7) AGENCY DESIGNATION.—For purposes of this section, the
1012 Domestic Security Oversight Council shall be considered a
1013 criminal justice agency within the definition of s. 119.011(4).

1014 Section 17. Paragraph (g) of subsection (2) and paragraph
1015 (a) of subsection (3) of section 943.325, Florida Statutes, are

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1016 amended, and paragraph (f) is added to subsection (7) of that
1017 section, to read:

1018 943.325 DNA database.—

1019 (2) DEFINITIONS.—As used in this section, the term:

1020 (g) “Qualifying offender” means any person, including
1021 juveniles and adults, who is:

1022 1.a. Committed to a county jail;

1023 b. Committed to or under the supervision of the Department
1024 of Corrections, including persons incarcerated in a private
1025 correctional institution operated under contract pursuant to s.
1026 944.105;

1027 c. Committed to or under the supervision of the Department
1028 of Juvenile Justice;

1029 d. Transferred to this state under the Interstate Compact
1030 on Juveniles, part XIII of chapter 985; or

1031 e. Accepted under Article IV of the Interstate Corrections
1032 Compact, part III of chapter 941; and who is:

1033 2.a. Convicted of any felony offense or attempted felony
1034 offense in this state or of a similar offense in another
1035 jurisdiction;

1036 b. Convicted of a misdemeanor violation of s. 784.048, s.
1037 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
1038 offense that was found, pursuant to s. 874.04, to have been
1039 committed for the purpose of benefiting, promoting, or
1040 furthering the interests of a criminal gang as defined in s.
1041 874.03; ~~or~~

1042 c. Arrested for any felony offense or attempted felony
1043 offense in this state; or

1044 d. In the custody of a law enforcement agency and is

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1045 subject to an immigration detainer issued by a federal
1046 immigration agency.

1047 (3) COLLECTION OF SAMPLES.—

1048 (a) Each qualifying offender shall submit a DNA sample at
1049 the time he or she is booked into a jail, correctional facility,
1050 or juvenile facility. A person who becomes a qualifying offender
1051 solely because of the issuance of an immigration detainer by a
1052 federal immigration agency must submit a DNA sample when the law
1053 enforcement agency having custody of the offender receives the
1054 detainer.

1055 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

1056 (f) A law enforcement agency having custody of a person who
1057 becomes a qualifying offender solely because of the issuance of
1058 an immigration detainer by a federal immigration agency shall
1059 ensure that a DNA sample is taken from the offender immediately
1060 after the agency receives the detainer and shall secure and
1061 transmit the sample to the department in a timely manner.

1062 Section 18. Except as otherwise expressly provided in this
1063 act, this act shall take effect July 1, 2023.