

By Senator Torres

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1 A bill to be entitled
2 An act relating to immigration and immigrants;
3 providing a short title; providing legislative intent;
4 amending s. 117.107, F.S.; prohibiting notary publics
5 from using specified terms to describe themselves in
6 certain circumstances; repealing s. 395.3027, F.S.,
7 relating to patient immigration status data collection
8 by hospitals; amending s. 402.307, F.S.; specifying
9 that a child's immigration status may not be a reason
10 for denying licensure of a child-caring agency;
11 amending s. 448.095, F.S.; deleting a requirement that
12 certain private employers use the E-Verify system to
13 verify a new employee's eligibility to work; deleting
14 a requirement that an employer discontinue employing a
15 person after learning that the person is or has become
16 an unauthorized alien; revising requirements for
17 public agency contracting; amending s. 760.01, F.S.;
18 adding freedom from discrimination because of
19 immigration status to the purposes of the Florida
20 Civil Rights Act of 1992; requiring the state and its
21 political subdivisions to accept identification
22 documents issued by certain entities; requiring the
23 Department of Commerce to establish criteria for a
24 specified program relating to identification
25 documents; amending s. 454.021, F.S.; deleting
26 provisions relating to licenses to practice law for
27 certain unauthorized immigrants; deleting the future
28 repeal of specified provisions; providing that, unless
29 required by federal law, a person's immigration status

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30 alone may not determine the person's ability to obtain
31 professional or occupational licenses in the state;
32 repealing s. 787.07, F.S., relating to human
33 smuggling; amending s. 908.11, F.S.; prohibiting law
34 enforcement agencies from entering into or renewing
35 certain agreements with the United States Immigration
36 and Customs Enforcement; revising a reporting
37 requirement; amending s. 908.102, F.S.; providing and
38 revising definitions; repealing s. 908.103, F.S.,
39 relating to a prohibition on sanctuary policies;
40 amending s. 908.104, F.S.; deleting provisions
41 relating to support of federal immigration law by law
42 enforcement agencies; revising the definition of the
43 term "applicable criminal case"; revising provisions
44 concerning cooperation with federal immigration
45 authorities by correctional facilities; repealing s.
46 908.105, F.S., relating to duties of law enforcement
47 agencies related to immigration detainers; repealing
48 s. 908.106, F.S., relating to reimbursement of costs
49 of housing certain persons subject to immigration
50 detainers; amending s. 908.107, F.S.; providing for
51 the award of damages for certain violations; deleting
52 provisions concerning violations of provisions
53 relating to sanctuary policies; repealing s. 908.111,
54 F.S., relating to a prohibition against governmental
55 entity contracts with common carriers; creating s.
56 908.112, F.S.; specifying duties of certain officials
57 concerning certification of certain activities in
58 support of visa applications; providing a rebuttable

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59 presumption; creating s. 908.113, F.S.; prohibiting
60 certain persons from offering certain services
61 concerning assistance in immigration matters;
62 requiring certain persons and businesses offering
63 immigration assistance to make a required disclosure;
64 providing exceptions; amending s. 943.325, F.S.;
65 revising provisions relating to collection of DNA
66 samples from persons held on immigration detainers;
67 amending s. 1002.31, F.S.; providing for preferential
68 treatment in controlled open enrollment to specified
69 children; amending s. 1003.21, F.S.; specifying that
70 the immigration status of certain children does not
71 affect access to public schools; amending s. 1009.26,
72 F.S.; revising requirements for certain fee waivers;
73 amending s. 1009.40, F.S.; providing that a student
74 may not be denied classification as a resident for
75 purposes of receiving state financial aid awards based
76 solely upon his or her immigration status if certain
77 requirements are met; amending ss. 456.074, 480.041,
78 480.043, 775.30, 794.056, 921.0022, and 938.085, F.S.;
79 conforming provisions to changes made by the act;
80 providing effective dates.

81
82 Be It Enacted by the Legislature of the State of Florida:

83
84 Section 1. (1) This act may be cited as the "Welcoming
85 Florida Act."

86 (2) It is the intent of the Legislature to show that
87 although the administration of immigration is exceedingly

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88 complex and regulating immigration is the role of the Federal
89 Government, Florida should do its part by welcoming, valuing,
90 and upholding the dignity of all immigrants who call the
91 Sunshine State home.

92 Section 2. Subsection (13) is added to section 117.107,
93 Florida Statutes, to read:

94 117.107 Prohibited acts.—

95 (13) A notary public, who does not hold an active license
96 to practice law in a state of the United States and is not
97 otherwise permitted to practice law or represent others under
98 federal law in an immigration matter, may not use the term
99 notario publico, notario, immigration assistant, immigration
100 consultant, immigration specialist, or any other designation or
101 title, in any language, which conveys or implies that he or she
102 possesses professional legal skills in immigration law, when
103 advertising his or her notary public services.

104 Section 3. Section 395.3027, Florida Statutes, is repealed.

105 Section 4. Subsection (6) is added to section 402.307,
106 Florida Statutes, to read:

107 402.307 Approval of licensing agency.—

108 (6) The immigration status of a child, whether
109 unaccompanied or otherwise, including unaccompanied alien
110 children, may not be a reason a prospective or established
111 licensed child-caring agency is denied a license or license
112 renewal.

113 Section 5. Subsection (2), paragraph (a) of subsection (4),
114 subsection (5), and paragraph (a) of subsection (6) of section
115 448.095, Florida Statutes, are amended to read:

116 448.095 Employment eligibility.—

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117 (2) EMPLOYMENT VERIFICATION.—

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

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

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

129 2.3. Each employer required to use the E-Verify system
130 under this paragraph must certify on its first return each
131 calendar year to the tax service provider that it is in
132 compliance with this section when making contributions to or
133 reimbursing the state's unemployment compensation or
134 reemployment assistance system. An employer that voluntarily
135 uses the E-Verify system may also make such a certification on
136 its first return each calendar year in order to document such
137 use.

138 (c) If the E-Verify system is unavailable for 3 business
139 days after the first day that the new employee begins working
140 for pay and an employer cannot access the system to verify a new
141 employee's employment eligibility, the employer must use the
142 Employment Eligibility Verification form (Form I-9) to verify
143 employment eligibility. The unavailability of the E-Verify
144 system does not bar the employer from using the rebuttable
145 presumption established in paragraph (4) (a). An employer must

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146 document the unavailability of the E-Verify system by retaining
147 a screenshot from each day which shows the employer's lack of
148 access to the system, a public announcement that the E-Verify
149 system is not available, or any other communication or notice
150 recorded by the employer regarding the unavailability of the
151 system.

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

155 ~~(e) An employer may not continue to employ an unauthorized~~
156 ~~alien after obtaining knowledge that a person is or has become~~
157 ~~an unauthorized alien.~~

158 (e) ~~(f)~~ An employee leasing company licensed under part XI
159 of chapter 468 which enters into a written agreement or
160 understanding with a client company which places the primary
161 obligation for compliance with this section upon the client
162 company is not required to verify employment eligibility of any
163 new employees of the client company. In the absence of a written
164 agreement or understanding, the employee leasing company is
165 responsible for compliance with this section. Such employee
166 leasing company shall, at all times, remain an employer as
167 otherwise defined in federal laws or regulations.

168 (4) DEFENSES.—

169 (a) An employer that uses the E-Verify system or, ~~if that~~
170 ~~system is unavailable,~~ the Employment Eligibility Verification
171 form (Form I-9) as provided in paragraph (2) (c), ~~with respect to~~
172 the employment of an unauthorized alien has established a
173 rebuttable presumption that the employer has not violated s.
174 448.09 with respect to such employment.

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175 (5) PUBLIC AGENCY CONTRACTING.—

176 ~~(a) A public agency must require in any contract that the~~
177 ~~contractor, and any subcontractor thereof, register with and use~~
178 ~~the E-Verify system or the Employment Eligibility Verification~~
179 ~~form (Form I-9) to verify the work authorization status of all~~
180 ~~new employees of the contractor or subcontractor. A public~~
181 ~~agency or a contractor or subcontractor thereof may not enter~~
182 ~~into a contract unless each party to the contract registers with~~
183 ~~and uses the E-Verify system.~~

184 ~~(b) If a contractor enters into a contract with a~~
185 ~~subcontractor, the subcontractor must provide the contractor~~
186 ~~with an affidavit stating that the subcontractor does not~~
187 ~~employ, contract with, or subcontract with an unauthorized~~
188 ~~alien. The contractor shall maintain a copy of such affidavit~~
189 ~~for the duration of the contract.~~

190 ~~(c)1. A public agency, contractor, or subcontractor who has~~
191 ~~a good faith belief that a person or an entity with which it is~~
192 ~~contracting has knowingly violated s. 448.09(1) shall terminate~~
193 ~~the contract with the person or entity.~~

194 ~~2. A public agency that has a good faith belief that a~~
195 ~~subcontractor knowingly violated this subsection, but the~~
196 ~~contractor otherwise complied with this subsection, shall~~
197 ~~promptly notify the contractor and order the contractor to~~
198 ~~immediately terminate the contract with the subcontractor.~~

199 ~~3. A contract terminated under this paragraph is not a~~
200 ~~breach of contract and may not be considered as such. If a~~
201 ~~public agency terminates a contract with a contractor under this~~
202 ~~paragraph, the contractor may not be awarded a public contract~~
203 ~~for at least 1 year after the date on which the contract was~~

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204 ~~terminated. A contractor is liable for any additional costs~~
205 ~~incurred by a public agency as a result of the termination of a~~
206 ~~contract.~~

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

211 (6) COMPLIANCE.—

212 (a) In addition to the requirements under s. 288.061(6),
213 beginning on July 1, 2024, if the Department of Economic
214 Opportunity determines that an employer failed to use the E-
215 Verify system or the Employment Eligibility Verification form
216 (Form I-9) to verify the employment eligibility of employees as
217 required under this section, the department must notify the
218 employer of the department's determination of noncompliance and
219 provide the employer with 30 days to cure the noncompliance.

220 Section 6. Subsection (2) of section 760.01, Florida
221 Statutes, is amended to read:

222 760.01 Purposes; construction; title.—

223 (2) The general purposes of the Florida Civil Rights Act of
224 1992 are to secure for all individuals within the state freedom
225 from discrimination because of race, color, religion, sex,
226 pregnancy, national origin, age, handicap, immigration status,
227 or marital status and thereby to protect their interest in
228 personal dignity, to make available to the state their full
229 productive capacities, to secure the state against domestic
230 strife and unrest, to preserve the public safety, health, and
231 general welfare, and to promote the interests, rights, and
232 privileges of individuals within the state.

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233 Section 7. (1) In order to encourage the safety of law
234 enforcement, first responders, medical and hospital staff,
235 children, school officials, and all residents of the state, the
236 State of Florida will recognize and accept identification
237 documents, including identification cards issued by
238 municipalities, counties, other political subdivisions, and
239 nongovernmental organizations that have been approved by
240 municipalities, counties, and other political subdivisions.

241 (2) The Department of Commerce shall establish criteria for
242 participation in this program and will create a recurring grant
243 for Fiscal Year 2024-2025 of \$5 million from the General Revenue
244 Fund to assist political subdivisions in the creation of their
245 respective programs.

246 Section 8. Effective upon this act becoming a law,
247 subsection (3) of section 454.021, Florida Statutes, is amended
248 to read:

249 454.021 Attorneys; admission to practice law; Supreme Court
250 to govern and regulate.—

251 (3) Upon certification by the Florida Board of Bar
252 Examiners that an applicant or petitioner who has fulfilled all
253 requirements for admission to practice law in this state ~~who is~~
254 ~~an unauthorized immigrant who was brought to the United States~~
255 ~~as a minor; has been present in the United States for more than~~
256 ~~10 years; has received documented employment authorization from~~
257 ~~the United States Citizenship and Immigration Services (USCIS);~~
258 ~~has been issued a social security number; if a male, has~~
259 ~~registered with the Selective Service System if required to do~~
260 ~~so under the Military Selective Service Act, 50 U.S.C. App. 453;~~
261 ~~and has fulfilled all requirements for admission to practice law~~

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262 ~~in this state,~~ the Supreme Court of Florida may admit that
263 applicant or petitioner, regardless of his or her immigration
264 status, as an attorney at law authorized to practice in this
265 state and may direct an order be entered upon the court's
266 records to that effect.

267 Section 9. Section 8 of chapter 2023-40, Laws of Florida,
268 is repealed.

269 Section 10. Notwithstanding any other law, and unless
270 required by federal law, a person's immigration status alone
271 shall not determine the person's ability to obtain a
272 professional or occupational license in the state.

273 Section 11. Section 787.07, Florida Statutes, is repealed.

274 Section 12. Section 908.11, Florida Statutes, is amended to
275 read:

276 908.11 Immigration enforcement assistance agreements;
277 reporting requirement.—

278 (1) By July ~~January~~ 1, 2024 ~~2023~~, a ~~each~~ law enforcement
279 agency operating a county detention facility may not ~~must~~ enter
280 into or renew a written agreement with the United States
281 Immigration and Customs Enforcement to participate in the
282 immigration program established under s. 287(g) of the
283 Immigration and Nationality Act, 8 U.S.C. s. 1357. ~~This~~
284 ~~subsection does not require a law enforcement agency to~~
285 ~~participate in a particular program model.~~

286 (2) Beginning no later than May 1, 2025, ~~any~~ ~~October 1,~~
287 ~~2022,~~ and until the law enforcement agency that has such an
288 agreement enters into the written agreement required under
289 ~~subsection (1), each law enforcement agency operating a county~~
290 ~~detention facility~~ must notify the Department of Law Enforcement

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291 ~~as to the status of any active or pending agreement quarterly of~~
292 ~~the status of such written agreement and any reason for~~
293 ~~noncompliance with this section, if applicable.~~

294 Section 13. Section 908.102, Florida Statutes, is amended
295 to read:

296 908.102 Definitions.—As used in this chapter, the term:

297 (1) "Certification form" means the certification of a Form
298 I-918, Supplement B, U Nonimmigrant Status Certification as
299 required by 8 U.S.C. s. 1184(p).

300 (2) "Certifying agency" means a state or local law
301 enforcement agency, a prosecutor, a judge, or any other
302 governmental agency that has criminal, civil, administrative
303 investigative, or prosecutorial authority.

304 (3) "Certifying official" means any of the following:

305 (a) The head of the certifying agency.

306 (b) A person in a supervisory role who has been
307 specifically designated by the head of the certifying agency to
308 issue Form I-918 Supplement B certifications on behalf of that
309 agency.

310 (c) A judge.

311 (d) Any other certifying official described in 8 C.F.R. s.
312 214.14(a)(3).

313 (4) ~~(1)~~ "Federal immigration agency" means the United States
314 Department of Justice and the United States Department of
315 Homeland Security, a division within such an agency, including
316 United States Immigration and Customs Enforcement and United
317 States Customs and Border Protection, any successor agency, and
318 any other federal agency charged with the enforcement of
319 immigration law.

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320 (5)~~(2)~~ "Immigration detainer" means a written or electronic
321 request issued by a federal immigration agency using the federal
322 agency's official form, such as a Form I-200 Warrant for Arrest
323 of Alien or a Form I-205 Warrant of Removal/Deportation, which
324 is accompanied by a warrant signed by a judge to request that a
325 state, local, federal, or military law enforcement agency detain
326 a person for an additional 48 hours after the person would
327 otherwise be released pursuant to charges being disposed of
328 through a finding of guilty or not guilty; when charges have
329 been dropped; when bail has been secured; or when a convicted
330 person has served his or her sentence ~~a facially sufficient~~
331 ~~written or electronic request issued by a federal immigration~~
332 ~~agency using that agency's official form to request that another~~
333 ~~law enforcement agency detain a person based on probable cause~~
334 ~~to believe that the person to be detained is a removable alien~~
335 ~~under federal immigration law, including detainers issued~~
336 ~~pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant~~
337 ~~described in paragraph (c). For purposes of this subsection, an~~
338 ~~immigration detainer is deemed facially sufficient if:~~

339 ~~(a) The federal immigration agency's official form is~~
340 ~~complete and indicates on its face that the federal immigration~~
341 ~~official has probable cause to believe that the person to be~~
342 ~~detained is a removable alien under federal immigration law; or~~

343 ~~(b) The federal immigration agency's official form is~~
344 ~~incomplete and fails to indicate on its face that the federal~~
345 ~~immigration official has probable cause to believe that the~~
346 ~~person to be detained is a removable alien under federal~~
347 ~~immigration law, but is supported by an affidavit, order, or~~
348 ~~other official documentation that indicates that the federal~~

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349 ~~immigration agency has probable cause to believe that the person~~
350 ~~to be detained is a removable alien under federal immigration~~
351 ~~law; and~~

352 ~~(c) The federal immigration agency supplies with its~~
353 ~~detention request a Form I-200 Warrant for Arrest of Alien or a~~
354 ~~Form I-205 Warrant of Removal/Deportation or a successor warrant~~
355 ~~or other warrant authorized by federal law.~~

356 (6)~~(3)~~ "Inmate" means a person in the custody of a law
357 enforcement agency.

358 (7)~~(4)~~ "Law enforcement agency" means an agency in this
359 state charged with enforcement of state, county, municipal, or
360 federal laws or with managing custody of detained persons in
361 this state and includes municipal police departments, sheriffs'
362 offices, state police departments, state university and college
363 police departments, county correctional agencies, and the
364 Department of Corrections.

365 (8)~~(5)~~ "Local governmental entity" means any county,
366 municipality, or other political subdivision of this state.

367 (9) "Petitioner" means a person who requests a
368 certification, including indirect and bystander victims.

369 (10) "Qualifying criminal activity" means an offense for
370 which the elements are substantially similar to an offense
371 described in 8 U.S.C. s. 1101(a)(15)(U)(iii) or the attempt,
372 solicitation, or conspiracy to commit such an offense.
373 Qualifying criminal activity pursuant to s. 1011(a)(15)(U)(iii)
374 of the Immigration and Nationality Act includes, but is not
375 limited to, the following crimes:

376 (a) Rape.

377 (b) Torture.

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378 (c) Human trafficking.
379 (d) Incest.
380 (e) Domestic violence.
381 (f) Sexual assault.
382 (g) Abusive sexual contact.
383 (h) Prostitution.
384 (i) Sexual Exploitation.
385 (j) Female genital mutilation.
386 (k) Being held hostage.
387 (l) Peonage.
388 (m) Perjury.
389 (n) Involuntary servitude.
390 (o) Slavery.
391 (p) Kidnapping.
392 (q) Abduction.
393 (r) Unlawful criminal restraint.
394 (s) False imprisonment.
395 (t) Blackmail.
396 (u) Extortion.
397 (v) Manslaughter.
398 (w) Murder.
399 (x) Felonious assault.
400 (y) Witness tampering.
401 (z) Obstruction of justice.
402 (aa) Fraud in foreign labor contracting.
403 (bb) Stalking.
404 ~~(6) "Sanctuary policy" means a law, policy, practice,~~
405 ~~procedure, or custom adopted or allowed by a state entity or~~
406 ~~local governmental entity which prohibits or impedes a law~~

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407 ~~enforcement agency from complying with 8 U.S.C. s. 1373 or which~~
 408 ~~prohibits or impedes a law enforcement agency from communicating~~
 409 ~~or cooperating with a federal immigration agency so as to limit~~
 410 ~~such law enforcement agency in, or prohibit the agency from:~~

411 ~~(a) Complying with an immigration detainer;~~

412 ~~(b) Complying with a request from a federal immigration~~
 413 ~~agency to notify the agency before the release of an inmate or~~
 414 ~~detainee in the custody of the law enforcement agency;~~

415 ~~(c) Providing a federal immigration agency access to an~~
 416 ~~inmate for interview;~~

417 ~~(d) Participating in any program or agreement authorized~~
 418 ~~under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.~~
 419 ~~1357 as required by s. 908.11;~~

420 ~~(e) Providing a federal immigration agency with an inmate's~~
 421 ~~incarceration status or release date; or~~

422 ~~(f) Providing information to a state entity on the~~
 423 ~~immigration status of an inmate or detainee in the custody of~~
 424 ~~the law enforcement agency.~~

425 ~~(11)(7)~~ "State entity" means the state or any office,
 426 board, bureau, commission, department, branch, division, or
 427 institution thereof, including institutions within the State
 428 University System and the Florida College System.

429 Section 14. Section 908.103, Florida Statutes, is repealed.

430 Section 15. Subsections (1) and (2), paragraphs (a) and (c)
 431 of subsection (3), and subsections (4) and (6) of section
 432 908.104, Florida Statutes, are amended to read:

433 908.104 Cooperation with federal immigration authorities.-

434 ~~(1) A law enforcement agency shall use best efforts to~~
 435 ~~support the enforcement of federal immigration law. This~~

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436 ~~subsection applies to an official, representative, agent, or~~
437 ~~employee of the entity or agency only when he or she is acting~~
438 ~~within the scope of his or her official duties or within the~~
439 ~~scope of his or her employment.~~

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

447 ~~(a) Sending the information to or requesting, receiving, or~~
448 ~~reviewing the information from a federal immigration agency for~~
449 ~~purposes of this chapter.~~

450 ~~(b) Recording and maintaining the information for purposes~~
451 ~~of this chapter.~~

452 ~~(c) Exchanging the information with a federal immigration~~
453 ~~agency or another state entity, local governmental entity, or~~
454 ~~law enforcement agency for purposes of this chapter.~~

455 ~~(d) Using the information to comply with an immigration~~
456 ~~detainer.~~

457 ~~(e) Using the information to confirm the identity of a~~
458 ~~person who is detained by a law enforcement agency.~~

459 ~~(f) Sending the applicable information obtained pursuant to~~
460 ~~enforcement of s. 448.095 to a federal immigration agency.~~

461 ~~(1) (a) (3) (a)~~ For purposes of this subsection, the term
462 "applicable criminal case" means a criminal case in which:

463 1. The judgment requires the defendant to be confined in a
464 secure correctional facility; and

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465 2. The judge:

466 ~~a. Indicates in the record under s. 908.105 that the~~
467 ~~defendant is subject to an immigration detainer; or~~

468 ~~b. Otherwise~~ indicates in the record that the defendant is
469 subject to a transfer into federal custody.

470 (c) If the information specified in subparagraph (a)2. ~~sub-~~
471 ~~subparagraph (a)2.a. or sub-subparagraph (a)2.b.~~ is not
472 available at the time the sentence is pronounced in the case,
473 but is received by a law enforcement agency afterwards, the law
474 enforcement agency shall notify the judge who shall issue the
475 order described by paragraph (b) as soon as the information
476 becomes available.

477 (2)(4) To ensure compliance with Title VI of the 1964 Civil
478 Rights Act, when a county correctional facility or the
479 Department of Corrections receives verification from a federal
480 immigration agency that a person in its custody is subject to an
481 immigration detainer ~~is in the law enforcement agency's custody,~~
482 the agency must provide for a screening by a public defender in
483 the person's preferred language to determine if he or she is or
484 has been a necessary witness or victim of a crime of domestic
485 violence, rape, sexual exploitation, sexual assault, murder,
486 manslaughter, assault, battery, human trafficking, kidnapping,
487 false imprisonment, involuntary servitude, fraud in foreign
488 labor contracting, blackmail, extortion, or witness tampering.
489 If the public defender determines the person is a necessary
490 witness or victim in an aforementioned act, the county
491 correctional facility or the Department of Corrections may
492 decline to comply with the federal immigration detainer.
493 Otherwise, the county correctional facility or Department of

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494 Corrections may securely transport the person to a federal
495 facility in this state or to another point of transfer to
496 federal custody outside the jurisdiction of the law enforcement
497 agency. The law enforcement agency may transfer a person who is
498 subject to an immigration detainer and is confined in a secure
499 correctional facility to the custody of a federal immigration
500 agency not earlier than 12 days before his or her release date.
501 A law enforcement agency shall obtain judicial authorization
502 before securely transporting an alien to a point of transfer
503 outside of this state.

504 ~~(4)-(6)~~ A state entity, local governmental entity, or law
505 enforcement agency that, pursuant to subsection (3) ~~(5)~~,
506 withholds information regarding the immigration information of a
507 victim of or witness to a criminal offense shall document the
508 victim's or witness's cooperation in the entity's or agency's
509 investigative records related to the offense and shall retain
510 the records for at least 10 years for the purpose of audit,
511 verification, or inspection by the Auditor General.

512 Section 16. Section 908.105, Florida Statutes, is repealed.

513 Section 17. Section 908.106, Florida Statutes, is repealed.

514 Section 18. Subsections (3) and (4) of section 908.107,
515 Florida Statutes, are amended to read:

516 908.107 Enforcement.—

517 (3) A person or an entity may bring, in an appropriate
518 state court, an action against any state or local law
519 enforcement agency based on a violation of this chapter to
520 recover for actual monetary loss from such a violation, or to
521 receive \$100,000 in liquidated damages for each such violation,
522 whichever is greater, or both ~~If a local governmental entity or~~

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523 ~~local law enforcement agency violates this chapter, the court~~
524 ~~must enjoin the unlawful sanctuary policy. The court has~~
525 ~~continuing jurisdiction over the parties and subject matter and~~
526 ~~may enforce its orders with the initiation of contempt~~
527 ~~proceedings as provided by law.~~

528 ~~(4) An order approving a consent decree or granting an~~
529 ~~injunction must include written findings of fact that describe~~
530 ~~with specificity the existence and nature of the sanctuary~~
531 ~~policy that violates this chapter.~~

532 Section 19. Section 908.111, Florida Statutes, is repealed.

533 Section 20. Section 908.112, Florida Statutes, is created
534 to read:

535 908.112 U-visa certification policy.-

536 (1) Upon the request of a petitioner or a victim's family
537 member, a certifying official from a certifying agency shall
538 certify victim helpfulness on the Form I-918 Supplement B
539 certification when the victim was a victim of a qualifying
540 criminal activity and has been helpful, is being helpful, or is
541 likely to be helpful to the detection or investigation or
542 prosecution of that qualifying criminal activity.

543 (2) For purposes of determining helpfulness pursuant to
544 subsection (1), there is a rebuttable presumption that a victim
545 is helpful, has been helpful, or is likely to be helpful to the
546 detection or investigation or prosecution of that qualifying
547 criminal activity if the victim has not refused or failed to
548 provide information and assistance reasonably requested by law
549 enforcement.

550 (3) The certifying official shall fully complete and sign
551 the Form I-918 Supplement B certification and, regarding victim

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552 helpfulness, include specific details about the nature of the
553 crime investigated or prosecuted and a detailed description of
554 the victim's helpfulness or likely helpfulness to the detection
555 or investigation or prosecution of the criminal activity. The
556 certifying agency may not consider any other factors in deciding
557 whether to sign the certification form, except whether the
558 victim was a victim of qualifying criminal activity and the
559 victim's helpfulness.

560 (4) A current investigation or an arrest, the filing of
561 charges, and a prosecution or conviction are not required for
562 the victim to request and obtain the Form I-918 Supplement B
563 certification from a certifying official.

564 (5) A certifying official may only withdraw the
565 certification if the victim refuses to provide information and
566 assistance when reasonably requested.

567 (6) (a) If a certifying official or agency denies
568 certification under this section, the official or agency shall
569 in writing notify the petitioner of the reason for the denial.
570 The denial notification must contain the following information:

571 1. An internal case number that allows the certifying
572 agency to individually identify each certification request.

573 2. The date of the denial.

574 3. The reason for the denial must be of one of the
575 following:

576 a. Lack of qualifying criminal activity;

577 b. Lack of helpfulness;

578 c. Lack of jurisdiction over the certification request; or

579 d. Other circumstances for which a certifying official or
580 agency may lawfully deny a certification.

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581 (b) Upon receiving notice that a request for certification
582 under this section is denied, a petitioner may provide
583 supplemental information to the certifying agency and request
584 that the certification denial be reviewed by the certifying
585 agency.

586 (c) A petitioner may submit a new request for
587 certification, after a previous request is denied, to another
588 certifying agency for processing if the previous certifying
589 agency was involved in investigating the qualifying criminal
590 activity.

591 (d) A certification agency shall keep a copy of a denial
592 notification for at least 3 years after the date of the
593 notification.

594 (7) (a) Except under circumstances in which there is good
595 cause for delay, a certifying agency shall grant or deny a
596 request for certification:

597 1. Within 90 days after the date of the certification
598 request; or

599 2. Within 14 days after the date of the certification
600 request if the victim is in removal proceedings.

601 (b) If a certifying agency fails to respond within the
602 statutory timeframe or refuses to certify that an applicant was
603 a victim of qualifying criminal activity, the applicant may
604 petition a circuit court to review the determination of the
605 certifying agency within 30 days after such determination or
606 within 30 days after the expiration of the statutory timeframe.

607 (c) The circuit court shall conduct an evidentiary hearing
608 on such petition within 30 days after the filing of the
609 petition. Upon conducting a hearing and the circuit court being

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610 satisfied that the applicant having proven his or her
611 eligibility for completion of a certification form by a
612 preponderance of the evidence and the circuit court having found
613 that the certifying agency's refusal to sign was unreasonable, a
614 circuit court judge may execute the certification form. In
615 assessing the reasonableness of the certifying agency's decision
616 or failure to respond, the circuit court may consider whether
617 the applicant has complied with the terms of this section and
618 whether circumstances exist that would justify a deferral of a
619 decision, including whether a certification would jeopardize an
620 ongoing criminal investigation or prosecution or the safety of
621 an individual, cause a suspect to flee or evade detection, or
622 result in the destruction of evidence or whether the applicant's
623 cooperation is not complete. Upon finding that the certifying
624 agency denied the application without a factual or legal
625 justification or failed to respond to the applicant, the circuit
626 court shall make an award of reasonable costs and attorney fees
627 to a prevailing applicant. Such determination shall be without
628 prejudice to any future proceeding premised upon a material
629 change in circumstances.

630 (d) Any petition filed under paragraph (b), along with the
631 record of all hearings and all other pleadings, papers filed,
632 and orders entered in connection with such petition, shall be
633 kept under seal by the clerk unless otherwise ordered by the
634 court.

635 (8) Certifying agencies and certifying officials are
636 prohibited from disclosing the immigration status of a victim or
637 person requesting the Form I-918 Supplement B certification,
638 except to comply with federal law or legal process or if

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639 authorized by the victim or person requesting the Form I-918
640 Supplement B certification.

641 (9) A certifying agency that receives a request for a Form
642 I-918 Supplement B certification shall report to the Speaker of
643 the House of Representatives, the President of the Senate, and
644 the Governor on or before January 15, 2025, and annually
645 thereafter, the number of victims who requested Form I-918
646 Supplement B certifications from the agency, the number of those
647 certification forms that were signed, the number of those
648 certification forms that were denied, the number of pending
649 certifications on the date of the report, and the reason for
650 each denial.

651 (10) A certifying official is immune from civil and
652 criminal liability for, in good faith, certifying or denying
653 certification under this section.

654 (11) A certifying agency shall:

655 (a) Designate a person or persons within the agency
656 responsible for processing requests for certification under this
657 section.

658 (b) Develop written procedures for processing requests for
659 certification under this section.

660 (c) Establish a process for each certifying agency to train
661 certifying officials and communicate with community-based
662 organizations and faith-based service providers about this
663 process.

664 Section 21. Section 908.113, Florida Statutes, is created
665 to read:

666 908.113 Fraud protection.—

667 (1) Persons, other than those licensed to practice law in a

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668 state of the United States or otherwise permitted to practice
669 law or represent others under federal law in an immigration
670 matter, are prohibited from engaging in the practice of law in
671 an immigration matter for compensation.

672 (2) Persons, other than those licensed to practice law in a
673 state of the United States or otherwise permitted to practice
674 law or represent others under federal law in an immigration
675 matter, are prohibited from engaging in the following acts or
676 practices for compensation:

677 (a) Advising or assisting another person in determining the
678 person's legal or illegal status for the purpose of an
679 immigration matter.

680 (b) Selecting, assisting another in selecting, or advising
681 another as to his or her answers on a government agency form or
682 document in an immigration matter. However, a person who
683 provides or offers to provide immigration assistance service may
684 perform the following services:

685 1. Completing a governmental agency form, requested by the
686 customer and appropriate to the customer's needs, only if the
687 completion of that form does not involve a legal judgment for
688 that particular matter.

689 2. Transcribing responses to a governmental agency form
690 that is related to an immigration matter, but not advising a
691 customer as to his or her answers on those forms.

692 3. Translating and interpreting information on forms for a
693 customer and translating the customer's answers to questions
694 posed on those forms.

695 4. Securing for the customer supporting documents currently
696 in existence, such as birth and marriage certificates, which may

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697 be needed to be submitted with governmental agency forms.

698 5. Translating documents from any language into English.

699 6. Notarizing signatures on government agency forms, if the
700 person performing the service is a notary public of the State of
701 Florida.

702 7. Making referrals, without fee, to an attorney who could
703 undertake legal representation for a person in an immigration
704 matter.

705 8. Preparing or arranging for the preparation of
706 photographs and fingerprints.

707 9. Arranging for the performance of medical testing,
708 including X-rays and AIDS tests, and obtaining the results of
709 such test.

710 10. Conducting English language and civics courses.

711 11. Other services that the Attorney General determines by
712 rule may be appropriately performed by such person in furthering
713 the purposes of this section.

714 (c) Selecting or assisting another in selecting, or
715 advising another in selecting, a benefit, visa, or program to
716 apply for in an immigration matter.

717 (d) Soliciting to prepare documents for, or otherwise
718 representing the interests of, another in a judicial or
719 administrative proceeding in an immigration matter.

720 (e) Explaining, advising, or otherwise interpreting the
721 meaning or intent of a question on a governmental agency form in
722 an immigration matter.

723 (f) Charging a fee for referring another to a person
724 licensed to practice law.

725 (g) Selecting, drafting, or completing legal documents

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726 affecting the legal rights of another in an immigration matter.

727 (3) A person or business offering immigration services,
728 other than those holding an active license to practice law in
729 the state or otherwise permitted to practice law or represent
730 others under federal law in an immigration matter, must post
731 conspicuous notices on its main website and at its place of
732 business in English and every other language in which the person
733 or business provides or offers immigration assistance with the
734 following statement:

735
736 I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE
737 LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT
738 ACCREDITED TO REPRESENT YOU BEFORE THE STATE OF FLORIDA, THE
739 UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, OR THE
740 IMMIGRATION BOARD OF APPEALS.

741
742 (4) Persons, other than those holding an active license to
743 practice law in a state of the United States or otherwise
744 permitted to practice law or represent others under federal law
745 in an immigration matter, are prohibited from engaging in the
746 following acts or practices, regardless of whether compensation
747 is sought:

748 (a) Representing, either orally or in any document,
749 letterhead, advertisement, stationery, business card, website,
750 or other comparable written material, that he or she is a
751 notario publico, notario, immigration assistant, immigration
752 consultant, immigration specialist, or using any other
753 designation or title, in any language, that conveys or implies
754 that he or she possesses professional legal skills in the area

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755 of immigration law.

756 (b) Representing, in any language, either orally or in any
757 document, letterhead, advertisement, stationery, business card,
758 website, or other comparable written material, that he or she
759 can or is willing to provide services in an immigration matter,
760 if such services would constitute the practice of law.

761 (5) (a) The prohibitions of subsections (1) through (4) do
762 not apply to the activities of nonlawyer assistants acting under
763 the supervision of a person holding an active license to
764 practice law in the state or otherwise permitted to practice law
765 or represent others under federal law in an immigration matter.

766 (b) This section does not prohibit a person from offering
767 translation or interpretation services, regardless of whether
768 compensation is sought. Translating words contained on a
769 government form from English to another language and translating
770 a person's words from another language to English does not
771 constitute the unauthorized practice of law.

772 Section 22. Paragraph (a) of subsection (3) and paragraph
773 (f) of subsection (7) of section 943.325, Florida Statutes, are
774 amended to read:

775 943.325 DNA database.—

776 (3) COLLECTION OF SAMPLES.—

777 (a) Each qualifying offender who is not a qualifying
778 offender solely because of the issuance of an immigration
779 detainer by a federal immigration agency shall submit a DNA
780 sample at the time he or she is booked into a jail, correctional
781 facility, or juvenile facility. However, a person who becomes a
782 qualifying offender solely because of the issuance of an
783 immigration detainer by a federal immigration agency must be

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784 asked in writing, in his or her preferred language, if the
785 person consents or declines to submit a DNA sample when the law
786 enforcement agency having custody of such ~~the~~ offender receives
787 the detainer. A law enforcement agency may not forcibly extract
788 a DNA sample, and a person who becomes a qualifying offender
789 solely because of the issuance of an immigration detainer may
790 not be charged with a criminal offense for declining to submit a
791 DNA sample.

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

793 ~~(f) A law enforcement agency having custody of a person who~~
794 ~~becomes a qualifying offender solely because of the issuance of~~
795 ~~an immigration detainer by a federal immigration agency shall~~
796 ~~ensure that a DNA sample is taken from the offender immediately~~
797 ~~after the agency receives the detainer and shall secure and~~
798 ~~transmit the sample to the department in a timely manner.~~

799 Section 23. Paragraph (c) of subsection (2) of section
800 1002.31, Florida Statutes, is amended to read:

801 1002.31 Controlled open enrollment; public school parental
802 choice.—

803 (2)

804 (c) Each district school board must provide preferential
805 treatment in its controlled open enrollment process to all of
806 the following:

807 1. Dependent children of active duty military personnel
808 whose move resulted from military orders.

809 2. Children who have been relocated due to a foster care
810 placement in a different school zone.

811 3. Children who move due to a court-ordered change in
812 custody due to separation or divorce, or the serious illness or

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813 death of a custodial parent.

814 4. Students residing in the school district.

815 5. Children and youths who are experiencing a lack of
816 housing and children known to the department, as defined in s.
817 39.0016(1).

818 Section 24. Paragraph (f) of subsection (1) of section
819 1003.21, Florida Statutes, is amended to read:

820 1003.21 School attendance.—

821 (1)

822 (f) Children and youths who are experiencing homelessness,
823 regardless of their immigration status, and children ~~who are~~
824 known to the department, as defined in s. 39.0016, must have
825 access to a free public education and must be admitted to the
826 school of their parent's or guardian's choice in the school
827 district in which they or their families live in accordance with
828 the rules set forth in s. 1002.31. School districts shall assist
829 such children in meeting the requirements of subsection (4) and
830 s. 1003.22, as well as local requirements for documentation.

831 Section 25. Paragraphs (a), (b), and (c) of subsection (12)
832 of section 1009.26, Florida Statutes, are amended to read:

833 1009.26 Fee waivers.—

834 (12) (a) A state university, a Florida College System
835 institution, a career center operated by a school district under
836 s. 1001.44, or a charter technical career center shall waive
837 out-of-state fees for undergraduate and graduate students,
838 including, but not limited to, students who are undocumented for
839 federal immigration purposes, who meet the following conditions:

840 1. Attend ~~Attended~~ a secondary school in this state for 2 ~~3~~
841 ~~consecutive~~ years ~~immediately~~ before graduating from a high

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842 school in this state or successfully completing the requirements
843 for a high school equivalency diploma after 2 years of relevant
844 coursework;

845 2. Apply for enrollment in an institution of higher
846 education within 24 months after high school or undergraduate
847 school graduation; and

848 3. Submit an official Florida high school transcript as
849 evidence of attendance and graduation or evidence of having
850 completed the requirements for a high school equivalency
851 diploma.

852 (b) Tuition and fees charged to a student who qualifies for
853 the out-of-state fee waiver under this subsection may not exceed
854 the tuition and fees charged to a resident student. The waiver
855 is applicable for 110 percent of the required credit hours of
856 the undergraduate or graduate degree or certificate program for
857 which the student is enrolled. Each state university, Florida
858 College System institution, career center operated by a school
859 district under s. 1001.44, and charter technical career center
860 shall report to the Board of Governors and the State Board of
861 Education, respectively, the number and value of all fee waivers
862 granted annually under this subsection. By October 1 of each
863 year, the Board of Governors for the state universities and the
864 State Board of Education for Florida College System
865 institutions, career centers operated by a school district under
866 s. 1001.44, and charter technical career centers shall annually
867 report for the previous academic year the percentage of resident
868 and nonresident students enrolled systemwide.

869 (c) A state university student granted an out-of-state fee
870 waiver under this subsection must be considered a nonresident

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871 student for purposes of calculating the systemwide total
872 enrollment of nonresident students as limited by regulation of
873 the Board of Governors. In addition, a student who is granted an
874 out-of-state fee waiver under this subsection is ~~not~~ eligible
875 for state financial aid under part III of this chapter and shall
876 ~~must~~ not be reported as a resident for tuition purposes.

877 Section 26. Paragraph (a) of subsection (1) of section
878 1009.40, Florida Statutes, is amended to read:

879 1009.40 General requirements for student eligibility for
880 state financial aid awards and tuition assistance grants.—

881 (1) (a) The general requirements for eligibility of students
882 for state financial aid awards and tuition assistance grants
883 consist of the following:

884 1. Achievement of the academic requirements of and
885 acceptance at a state university or Florida College System
886 institution; a nursing diploma school approved by the Florida
887 Board of Nursing; a Florida college or university which is
888 accredited by an accrediting agency recognized by the State
889 Board of Education; a Florida institution the credits of which
890 are acceptable for transfer to state universities; a career
891 center; or a private career institution accredited by an
892 accrediting agency recognized by the State Board of Education.

893 2. Residency in this state for no less than 1 year
894 preceding the award of aid or a tuition assistance grant for a
895 program established pursuant to s. 1009.50, s. 1009.505, s.
896 1009.51, s. 1009.52, s. 1009.521, s. 1009.53, s. 1009.60, s.
897 1009.62, s. 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s.
898 1009.89, or s. 1009.894. Residency in this state must be for
899 purposes other than to obtain an education. Resident status for

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900 purposes of receiving state financial aid awards shall be
901 determined in the same manner as resident status for tuition
902 purposes pursuant to s. 1009.21. However, a student may not be
903 denied classification as a resident for purposes of receiving
904 state financial aid awards based solely upon his or her
905 immigration status if he or she has met the conditions for an
906 out-of-state fee waiver under s. 1009.26(12)(a).

907 3. Submission of certification attesting to the accuracy,
908 completeness, and correctness of information provided to
909 demonstrate a student's eligibility to receive state financial
910 aid awards or tuition assistance grants. Falsification of such
911 information shall result in the denial of a pending application
912 and revocation of an award or grant currently held to the extent
913 that no further payments shall be made. Additionally, students
914 who knowingly make false statements in order to receive state
915 financial aid awards or tuition assistance grants commit a
916 misdemeanor of the second degree subject to the provisions of s.
917 837.06 and shall be required to return all state financial aid
918 awards or tuition assistance grants wrongfully obtained.

919 Section 27. Paragraph (e) of subsection (4) and paragraph
920 (i) of subsection (5) of section 456.074, Florida Statutes, are
921 amended to read:

922 456.074 Certain health care practitioners; immediate
923 suspension of license.—

924 (4) The department shall issue an emergency order
925 suspending the license of a massage therapist or establishment
926 as defined in chapter 480 upon receipt of information that the
927 massage therapist, a person with an ownership interest in the
928 establishment, or, for a corporation that has more than \$250,000

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929 of business assets in this state, the owner, officer, or
930 individual directly involved in the management of the
931 establishment has been convicted or found guilty of, or has
932 entered a plea of guilty or nolo contendere to, regardless of
933 adjudication, a violation of s. 796.07(2) (a) which is
934 reclassified under s. 796.07(7) or a felony offense under any of
935 the following provisions of state law or a similar provision in
936 another jurisdiction:

937 ~~(e) Section 787.07, relating to human smuggling.~~

938 (5) The department shall issue an emergency order
939 suspending the license of any health care practitioner who is
940 arrested for committing or attempting, soliciting, or conspiring
941 to commit any act that would constitute a violation of any of
942 the following criminal offenses in this state or similar
943 offenses in another jurisdiction:

944 ~~(i) Section 787.07, relating to human smuggling.~~

945 Section 28. Paragraph (e) of subsection (7) of section
946 480.041, Florida Statutes, is amended to read:

947 480.041 Massage therapists; qualifications; licensure;
948 endorsement.—

949 (7) The board shall deny an application for a new or
950 renewal license if an applicant has been convicted or found
951 guilty of, or enters a plea of guilty or nolo contendere to,
952 regardless of adjudication, a violation of s. 796.07(2) (a) which
953 is reclassified under s. 796.07(7) or a felony offense under any
954 of the following provisions of state law or a similar provision
955 in another jurisdiction:

956 ~~(e) Section 787.07, relating to human smuggling.~~

957 Section 29. Paragraph (e) of subsection (8) of section

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958 480.043, Florida Statutes, is amended to read:

959 480.043 Massage establishments; requisites; licensure;
960 inspection; human trafficking awareness training and policies.-

961 (8) The department shall deny an application for a new or
962 renewal license if an establishment owner or a designated
963 establishment manager or, for a corporation that has more than
964 \$250,000 of business assets in this state, an establishment
965 owner, a designated establishment manager, or any individual
966 directly involved in the management of the establishment has
967 been convicted of or entered a plea of guilty or nolo contendere
968 to any misdemeanor or felony crime, regardless of adjudication,
969 related to prostitution or related acts as described in s.
970 796.07 or a felony offense under any of the following provisions
971 of state law or a similar provision in another jurisdiction:

972 ~~(e) Section 787.07, relating to human smuggling.~~

973 Section 30. Subsection (2) of section 775.30, Florida
974 Statutes, is amended to read:

975 775.30 Terrorism; defined; penalties.-

976 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
977 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
978 787.01, s. 787.02, ~~s. 787.07~~, s. 790.115, s. 790.15, s. 790.16,
979 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
980 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
981 859.01, or s. 876.34, in furtherance of intimidating or coercing
982 the policy of a government, or in furtherance of affecting the
983 conduct of a government by mass destruction, assassination, or
984 kidnapping, commits the crime of terrorism, a felony of the
985 first degree, punishable as provided in s. 775.082, s. 775.083,
986 or s. 775.084.

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987 Section 31. Subsection (1) of section 794.056, Florida
988 Statutes, is amended to read:

989 794.056 Rape Crisis Program Trust Fund.—

990 (1) The Rape Crisis Program Trust Fund is created within
991 the Department of Health for the purpose of providing funds for
992 rape crisis centers in this state. Trust fund moneys shall be
993 used exclusively for the purpose of providing services for
994 victims of sexual assault. Funds credited to the trust fund
995 consist of those funds collected as an additional court
996 assessment in each case in which a defendant pleads guilty or
997 nolo contendere to, or is found guilty of, regardless of
998 adjudication, an offense provided in s. 775.21(6) and (10)(a),
999 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
1000 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
1001 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
1002 787.025; s. 787.06; ~~s. 787.07~~; s. 794.011; s. 794.05; s. 794.08;
1003 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
1004 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
1005 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
1006 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
1007 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
1008 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
1009 fund also shall include revenues provided by law, moneys
1010 appropriated by the Legislature, and grants from public or
1011 private entities.

1012 Section 32. Paragraph (d) of subsection (3) of section
1013 921.0022, Florida Statutes, is amended to read:

1014 921.0022 Criminal Punishment Code; offense severity ranking
1015 chart.—

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1016 (3) OFFENSE SEVERITY RANKING CHART

1017 (d) LEVEL 4

1018

Florida	Felony	Description
Statute	Degree	

1019

316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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1020

499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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1021

499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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1022

517.07 (1)	3rd	Failure to register securities.
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1023

517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
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1024

784.031	3rd	Battery by strangulation.
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784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

1026

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

1027

784.075 3rd Battery on detention or commitment facility staff.

1028

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

1029

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

1030

784.081 (3) 3rd Battery on specified official or employee.

1031

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

1032

784.083 (3) 3rd Battery on code inspector.

1033

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

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787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.

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1042	794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
1043	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1044	806.135	2nd	Destroying or demolishing a memorial or historic property.
1045	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1046	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1047	810.06	3rd	Burglary; possession of tools.
1048	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1049	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	812.014	3rd	Grand theft, 3rd degree;

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1050	(2) (c) 4. & 6.-10.		specified items.
1051	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1052	817.505 (4) (a)	3rd	Patient brokering.
1053	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1054	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1055	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
1056	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
1057	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great

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			bodily harm or permanent breeding disability to any registered horse or cattle.
1058	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
1059	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
1060	837.02 (1)	3rd	Perjury in official proceedings.
1061	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1062	838.022	3rd	Official misconduct.
1063	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1064	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
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843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.

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1074	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1075	914.14 (2)	3rd	Witnesses accepting bribes.
1076	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1077	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1078	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1079	918.12	3rd	Tampering with jurors.
1080	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1081	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.

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951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

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Section 33. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; ~~s. 787.07~~; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the

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1105 clerk of the court collects as a service charge of the clerk's
1106 office.

1107 Section 34. Except as otherwise expressly provided in this
1108 act and except for this section, which shall take effect upon
1109 this act becoming a law, this act shall take effect July 1,
1110 2024.