

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to combatting illegal immigration;
3 amending s. 908.11, F.S.; requiring each state and
4 county law enforcement agency, and any other law
5 enforcement agency with more than 25 sworn or
6 certified law enforcement officers, to enter into a
7 written agreement with the United States Immigration
8 and Customs Enforcement to participate in a certain
9 immigration program; requiring participation in every
10 program model offered by the Federal Government for
11 which the law enforcement agency qualifies;
12 authorizing a waiver from the requirement under
13 certain circumstances; requiring each law enforcement
14 agency, by a specified date, to notify the State
15 Immigration Enforcement Officer quarterly of the
16 status of such agreement; requiring the head of the
17 law enforcement agency under whose jurisdiction an
18 officer is serving to provide the consent required by
19 a specified action; requiring all state and county law
20 enforcement agencies, and any other law enforcement
21 agency with more than 25 sworn or certified law
22 enforcement officers, to ensure at least a certain
23 percent of their sworn law enforcement officers are
24 available to perform or exercise the powers,
25 privileges, or duties of an immigration officer;
26 requiring law enforcement agencies to report
27 compliance to the State Immigration Enforcement
28 Officer; authorizing a law enforcement agency to seek
29 reimbursement from alternative sources if the Federal

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30 Government does not fund certain training; specifying
31 that the unavailability of such funds excuses
32 compliance with specified provisions; providing for
33 the suspension of the head of any law enforcement
34 agency by the Governor under certain circumstances;
35 authorizing the Division of Emergency Management, in
36 coordination with the State Immigration Enforcement
37 Officer, to adopt rules; creating s. 908.13, F.S.;
38 creating the Unauthorized Alien Transport Program
39 within the division; specifying the purpose of the
40 program; specifying that the program is to be run by
41 the State Immigration Enforcement Officer; requiring
42 the division to provide resources, administrative
43 support, and services to the State Immigration
44 Enforcement Officer; requiring the National Guard and
45 the State Guard to assist the State Immigration
46 Enforcement Officer in the implementation of the
47 program; authorizing the division, in coordination
48 with the State Immigration Enforcement Officer, to
49 adopt rules; providing that all payments made pursuant
50 to specified provisions are deemed approved; repealing
51 chapter 2023-3, Laws of Florida, relating to the
52 Unauthorized Alien Transport Program; providing an
53 appropriation; providing for severability; providing
54 an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Section 908.11, Florida Statutes, is amended to

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59 read:

60 908.11 Immigration enforcement assistance agreements;
61 reporting requirement.-

62 (1) ~~By January 1, 2023,~~ Each state and county law
63 enforcement agency, and any other law enforcement agency with
64 more than 25 sworn or certified law enforcement officers,
65 ~~operating a county detention facility~~ must enter into a written
66 agreement with the United States Immigration and Customs
67 Enforcement to participate in the immigration program
68 established under s. 287(g) of the Immigration and Nationality
69 Act, 8 U.S.C. s. 1357, and to participate in each program model
70 that is available to the agency and for which the agency
71 qualifies. A law enforcement agency may request a waiver from
72 this requirement from the State Immigration Enforcement Officer
73 for any applicable program upon showing that the agency lacks
74 the resources to participate in the program or that
75 participation in the program would otherwise undermine public
76 safety. This subsection does not require a law enforcement
77 agency to participate in a particular program model.

78 (2) Beginning no later than July 1, 2025 ~~October 1, 2022,~~
79 ~~and until the law enforcement agency enters into the written~~
80 ~~agreement required under subsection (1),~~ each law enforcement
81 agency shall ~~operating a county detention facility~~ must notify
82 the State Immigration Enforcement Officer ~~Department of Law~~
83 ~~Enforcement~~ quarterly of the status of its compliance with
84 subsection (1) ~~such written agreement~~ and any reason for
85 noncompliance with this section, if applicable.

86 (3) If the Federal Government authorizes any law
87 enforcement officer in this state to perform or exercise the

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88 powers, privileges, or duties of an immigration officer or
89 employee under s. 103(a)(10) of the Immigration and Nationality
90 Act, 8 U.S.C. s. 1103, the head of the law enforcement agency
91 under whose jurisdiction the officer is serving must provide the
92 consent required by that section. The agency head shall report
93 such consent to the State Immigration Enforcement Officer.

94 (4) All state and county law enforcement agencies, and any
95 other law enforcement agency with more than 25 sworn or
96 certified law enforcement officers, shall ensure at least 10
97 percent of their sworn and certified law enforcement officers
98 are available to perform or exercise the powers, privileges, or
99 duties of an immigration officer authorized under s. 103(a)(10)
100 of the Immigration and Nationality Act, 8 U.S.C. s. 1103, or any
101 other applicable federal law. Law enforcement agencies shall
102 report compliance with this subsection to the State Immigration
103 Enforcement Officer.

104 (5) If the Federal Government does not fund the training
105 that is required by federal law and is necessary to comply with
106 this section, the law enforcement agency may seek reimbursement,
107 subject to available funds, from the Unauthorized Alien
108 Transport Program authorized under s. 908.13 or, subject to a
109 declared state of emergency, from the Emergency Preparedness and
110 Response Fund under s. 252.3711. The unavailability of such
111 funds shall excuse compliance with this section.

112 (6) Any head of a law enforcement agency who, in the
113 judgment of the Governor, acts in bad faith and fails to comply
114 with any provision of this section is subject to suspension by
115 the Governor under s. 112.48, s. 112.51, s. 112.511, or s.
116 112.52.

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117 (7) The Division of Emergency Management, in coordination
118 with the State Immigration Enforcement Officer, may adopt rules
119 to implement this section.

120 Section 2. Section 908.13, Florida Statutes, is created to
121 read:

122 908.13 Unauthorized Alien Transport Program.—

123 (1) The Unauthorized Alien Transport Program is created
124 within the Division of Emergency Management within the Executive
125 Office of the Governor for the purpose of facilitating
126 immigration enforcement consistent with federal law, including,
127 but not limited to, detention, transportation, and deportation.
128 Notwithstanding s. 287.057, the division is authorized to
129 contract for services to implement the program.

130 (2) The program shall be run by the State Immigration
131 Enforcement Officer, who shall be appointed by and serve at the
132 pleasure of the Governor. The State Immigration Enforcement
133 Officer shall be responsible for overseeing this state's
134 immigration enforcement activities in cooperation with the
135 Federal Government. The Division of Emergency Management shall
136 provide resources, administrative support, and services to the
137 extent requested by the State Immigration Enforcement Officer.

138 (3) The National Guard and the State Guard shall, once
139 activated by the Governor, assist the State Immigration
140 Enforcement Officer in the implementation of the program.

141 (4) The division, in coordination with the State
142 Immigration Enforcement Officer, may adopt rules to implement
143 the program.

144 (5) All payments made pursuant to s. 2 of chapter 2023-3,
145 Laws of Florida, are deemed approved. Any unexpended balance of

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146 funds appropriated to the Division of Emergency Management under
147 that section must immediately revert. For the 2024-2025 fiscal
148 year, the nonrecurring sum of \$350 million from the General
149 Revenue Fund is appropriated to the Division of Emergency
150 Management within the Executive Office of the Governor for the
151 Unauthorized Alien Transport Program created by this section.
152 The unexpended balance of funds remaining on June 30, 2025,
153 shall revert and is appropriated to the division for fiscal year
154 2025-2026 for the same purpose.

155 Section 3. Chapter 2023-3, Laws of Florida, is repealed.

156 Section 4. For the 2024-2025 fiscal year, the sum of \$3
157 million in recurring funds is appropriated from the General
158 Revenue Fund to the Division of Emergency Management, and 12
159 full-time equivalent positions with associated salary rate of
160 1,150,000 are authorized, for the purpose of implementing the
161 Unauthorized Alien Transport Program created by this act.

162 Section 5. If any provision of this act or its application
163 to any person or circumstance is held invalid, the invalidity
164 does not affect other provisions or applications of this act
165 which can be given effect without the invalid provision or
166 application, and to this end the provisions of this act are
167 severable.

168 Section 6. This act shall take effect upon becoming a law.