

1                   A bill to be entitled  
2           An act relating to immigration; creating s. 104.155,  
3           F.S.; providing that certain persons who vote in an  
4           election are guilty of a felony; prohibiting certain  
5           defenses from being raised; providing that a person  
6           who takes certain actions with specified knowledge is  
7           guilty of a felony; amending ss. 319.001 and 320.01,  
8           F.S.; defining the term "valid passport"; amending s.  
9           322.02, F.S.; providing legislative intent; amending  
10          s. 322.033, F.S.; providing legislative intent;  
11          prohibiting the Department of Highway Safety and Motor  
12          Vehicles from issuing a driver license or  
13          identification card to unauthorized aliens and  
14          undocumented immigrants; amending s. 322.08, F.S.;  
15          revising the types of documents that may be used as  
16          proof of identity for certain purposes; amending s.  
17          322.121, F.S.; revising an exception to the  
18          requirements for designation as a "Safe Driver";  
19          amending s. 322.19, F.S.; requiring a person who has  
20          become a citizen of the United States to obtain  
21          specified replacement documents within a certain time;  
22          creating s. 775.0824, F.S.; providing legislative  
23          intent; defining the terms "dangerous unauthorized  
24          alien offender" and "unauthorized alien"; requiring a  
25          state attorney to seek to have the court sentence

26 certain persons as dangerous unauthorized alien  
27 offenders; providing sentencing requirements;  
28 providing construction; amending s. 775.0848, F.S.;  
29 providing for the reclassification of certain  
30 penalties for offenses committed by an unauthorized  
31 alien; amending s. 874.03, F.S.; revising the  
32 definition of the term "criminal gang"; defining the  
33 term "transnational crime organization"; amending s.  
34 895.02, F.S.; revising the definition of the term  
35 "racketeering activity"; amending s. 903.046, F.S.;  
36 expanding the criteria the court must consider when  
37 making bail determinations; amending s. 907.041, F.S.;  
38 revising legislative intent; revising requirements for  
39 release on nonmonetary conditions; expanding  
40 circumstances a pretrial release service must certify  
41 they have investigated; defining the terms "forcible  
42 felony" and "unauthorized alien"; providing that an  
43 unauthorized alien who is arrested for committing a  
44 forcible felony is not eligible for release under  
45 certain conditions; authorizing a defendant to request  
46 a continuance if certain conditions are met; amending  
47 s. 908.102, F.S.; revising the definition of  
48 "sanctuary policy"; creating s. 908.1031, F.S.;  
49 creating the State Board of Immigration Enforcement  
50 within the Department of Law Enforcement; providing

51 board membership, powers, and duties; providing  
52 reporting requirements; authorizing the board to adopt  
53 rules; requiring the department to provide  
54 administrative support to the board; creating s.  
55 908.1032, F.S.; creating the State Immigration  
56 Enforcement Council within the State Board of  
57 Immigration Enforcement for a specified purpose;  
58 providing membership and meeting requirements;  
59 providing council duties; requiring the Department of  
60 Law Enforcement to provide administrative support to  
61 the council; creating s. 908.1033, F.S.; creating the  
62 Local Law Enforcement Immigration Grant Program within  
63 the State Board of Immigration Enforcement for a  
64 certain purpose; providing requirements for the  
65 application and awarding of grants; providing for  
66 rulemaking; amending s. 908.104, F.S.; revising  
67 agencies and persons who must use best efforts to  
68 support the enforcement of federal immigration law;  
69 providing that certain entities may not prohibit or  
70 restrict a law enforcement officer from performing  
71 certain actions; requiring specified parties to  
72 provide certain information to a federal immigration  
73 agency; expanding the criteria for receiving a certain  
74 exemption; revising applicability; amending s.  
75 908.105, F.S.; providing additional requirements for

76 law enforcement agencies that have custody of  
77 specified persons; requiring the Attorney General to  
78 initiate judicial proceedings in the name of the state  
79 in order to enforce compliance with an immigration  
80 detainer issued by a federal immigration agency;  
81 providing penalties; prohibiting public funds from  
82 being used to defend or reimburse certain persons for  
83 specified unlawful conduct; amending s. 908.107, F.S.;  
84 specifying that certain officers are subject to  
85 suspension from office; amending s. 908.11, F.S.;  
86 revising the entities required to enter into certain  
87 agreements with the United States Immigration and  
88 Customs Enforcement; requiring the State Board of  
89 Immigration Enforcement to approve the termination of  
90 an agreement; revising construction; requiring  
91 entities that do not enter into such agreements by a  
92 specified date to take certain actions; creating s.  
93 908.13, F.S.; creating the Unauthorized Alien  
94 Transport Program within the Division of Emergency  
95 Management within the Executive Office of the Governor  
96 for a specified purpose; providing program  
97 requirements; providing for future repeal; amending s.  
98 921.0022, F.S.; ranking an offense created by the act  
99 on the offense severity ranking chart of the Criminal  
100 Punishment Code; amending s. 1009.26, F.S.; revising

101 eligibility for certain fee waivers; requiring  
 102 students receiving such a waiver be reevaluated for  
 103 eligibility beginning on a certain date; repealing s.  
 104 1 of chapter 2023-3, Laws of Florida, which creates  
 105 the Unauthorized Alien Transport Program; authorizing  
 106 the State Board of Immigration Enforcement to adopt  
 107 certain rules; providing for future expiration;  
 108 providing legislative findings; providing  
 109 appropriations; authorizing positions; providing a  
 110 directive to the Division of Law Revision; providing  
 111 effective dates.

112  
 113 Be It Enacted by the Legislature of the State of Florida:

114  
 115 **Section 1. Section 104.155, Florida Statutes, is created**  
 116 **to read:**

117 104.155 Unqualified noncitizen electors willfully voting;  
 118 prohibited defenses; aiding or soliciting noncitizen electors in  
 119 voting prohibited.—

120 (1) Any person who is not a qualified elector because he  
 121 or she is not a citizen of the United States and who willfully  
 122 votes in any election is guilty of a felony of the third degree,  
 123 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 124 A person's ignorance of his or her citizenship status or a  
 125 person's bona fide belief of his or her citizenship status

126 cannot be raised as a defense in a prosecution for a violation  
127 of this subsection.

128 (2) Any person who aids or solicits another to violate  
129 subsection (1) with knowledge that such person is not a citizen  
130 of the United States is guilty of a felony of the third degree,  
131 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

132 **Section 2. Subsection (13) is added to section 319.001,**  
133 **Florida Statutes, to read:**

134 319.001 Definitions.—As used in this chapter, the term:

135 (13) "Valid passport" means:

136 (a) An unexpired passport or passport card issued by the  
137 United States government; or

138 (b) An unexpired passport issued by the government of  
139 another country with:

140 1. A stamp or mark affixed by the Federal Government onto  
141 the passport to evidence and authorize lawful presence in the  
142 United States; or

143 2. An unexpired I-94, or current permanent resident card,  
144 or unexpired immigrant visa, issued by the Federal Government.

145 **Section 3. Subsection (46) is added to section 320.01,**  
146 **Florida Statutes, to read:**

147 320.01 Definitions, general.—As used in the Florida  
148 Statutes, except as otherwise provided, the term:

149 (46) "Valid passport" means:

150 (a) An unexpired passport or passport card issued by the

151 United States government; or

152 (b) An unexpired passport issued by the government of  
 153 another country with:

154 1. A stamp or mark affixed by the Federal Government onto  
 155 the passport to evidence and authorize lawful presence in the  
 156 United States; or

157 2. An unexpired I-94, or current permanent resident card,  
 158 or unexpired immigrant visa, issued by the Federal Government.

159 **Section 4. Subsection (2) of section 322.02, Florida**  
 160 **Statutes, is amended to read:**

161 322.02 Legislative intent; administration.—

162 (2) The Department of Highway Safety and Motor Vehicles is  
 163 charged with the administration and function of enforcement of  
 164 this chapter and the administration and enforcement of 49 C.F.R.  
 165 parts 382-386 and 390-397. The Legislature intends for the state  
 166 to meet all minimum security standards of the REAL ID Act of  
 167 2005, Public Law No. 109-13, for driver licenses and  
 168 identification cards issued by this state. Such action ensures  
 169 that all state-issued driver licenses and identification cards  
 170 are available to United States citizens and individuals who are  
 171 not citizens but who are lawfully present and meet the  
 172 requirements of the REAL ID Act.

173 **Section 5. Section 322.033, Florida Statutes, is amended**  
 174 **to read:**

175 322.033 Unauthorized aliens and undocumented immigrants;

176 | invalid out-of-state driver licenses.-

177 |       (1) The Legislature intends for only driver licenses or  
178 | identification cards to be issued which meet all minimum  
179 | security requirements of the REAL ID Act of 2005, Public Law No.  
180 | 109-13. The department may not issue a driver license or  
181 | identification card to a person who is an unauthorized alien or  
182 | undocumented immigrant.

183 |       (2)~~(1)~~ If a driver license is of a class of licenses  
184 | issued by another state exclusively to unauthorized aliens or  
185 | undocumented immigrants who are unable to prove lawful presence  
186 | in the United States when the licenses are issued, the driver  
187 | license, or other permit purporting to authorize the holder to  
188 | operate a motor vehicle on public roadways, is invalid in this  
189 | state and does not authorize the holder to operate a motor  
190 | vehicle in this state. Such classes of licenses include licenses  
191 | that are issued exclusively to unauthorized aliens or  
192 | undocumented immigrants or licenses that are substantially the  
193 | same as licenses issued to citizens, residents, or those  
194 | lawfully present in the United States but have markings  
195 | establishing that the license holder did not exercise the option  
196 | of providing proof of lawful presence.

197 |       (3)~~(2)~~ A law enforcement officer or other authorized  
198 | representative of the department who stops a person driving with  
199 | an invalid license as described in subsection (2) ~~(1)~~ and  
200 | driving without a valid license shall issue a citation to the



201 driver for driving without a license in violation of s. 322.03.

202 ~~(4)~~<sup>(3)</sup> The department, to facilitate the enforcement of  
 203 this section and to aid in providing notice to the public and  
 204 visitors of invalid licenses, shall maintain on its website a  
 205 list of out-of-state classes of driver licenses that are invalid  
 206 in this state.

207 **Section 6. Paragraph (c) of subsection (2) of section**  
 208 **322.08, Florida Statutes, is amended to read:**

209 322.08 Application for license; requirements for license  
 210 and identification card forms.—

211 (2) Each such application shall include the following  
 212 information regarding the applicant:

213 (c) Proof of identity satisfactory to the department. Such  
 214 proof must include one of the following documents issued to the  
 215 applicant:

216 1. A driver license record or identification card record  
 217 from another jurisdiction which complies with the REAL ID Act of  
 218 2005, Public Law No. 109-13, and which ~~that~~ required the  
 219 applicant to submit a document for identification which is  
 220 substantially similar to a document required under subparagraph  
 221 2., subparagraph 3., subparagraph 4., subparagraph 5.,  
 222 subparagraph 6., subparagraph 7., or subparagraph 8.;

223 2. A certified copy of a United States birth certificate;

224 3. A valid, unexpired United States passport or passport  
 225 card;

226 4. A naturalization certificate issued by the United  
227 States Department of Homeland Security;

228 5. A valid, unexpired alien registration receipt card  
229 (green card);

230 6. A Consular Report of Birth Abroad provided by the  
231 United States Department of State;

232 7. An unexpired employment authorization card issued by  
233 the United States Department of Homeland Security; or

234 8. Proof of nonimmigrant classification provided by the  
235 United States Department of Homeland Security, for an original  
236 driver license. In order to prove nonimmigrant classification,  
237 an applicant must provide at least one of the following  
238 documents. In addition, the department may require applicants to  
239 produce United States Department of Homeland Security documents  
240 for the sole purpose of establishing the maintenance of, or  
241 efforts to maintain, continuous lawful presence:

242 a. A notice of hearing from an immigration court  
243 scheduling a hearing on any proceeding.

244 b. A notice from the Board of Immigration Appeals  
245 acknowledging pendency of an appeal.

246 c. A notice of the approval of an application for  
247 adjustment of status issued by the United States Citizenship and  
248 Immigration Services.

249 d. An official documentation confirming the filing of a  
250 petition for asylum or refugee status or any other relief issued

251 | by the United States Citizenship and Immigration Services.

252 | e. A notice of action transferring any pending matter from  
 253 | another jurisdiction to this state issued by the United States  
 254 | Citizenship and Immigration Services.

255 | f. An order of an immigration judge or immigration officer  
 256 | granting relief that authorizes the alien to live and work in  
 257 | the United States, including, but not limited to, asylum.

258 | g. Evidence that an application is pending for adjustment  
 259 | of status to that of an alien lawfully admitted for permanent  
 260 | residence in the United States or conditional permanent resident  
 261 | status in the United States, if a visa number is available  
 262 | having a current priority date for processing by the United  
 263 | States Citizenship and Immigration Services.

264 | h. ~~On or after January 1, 2010,~~ An unexpired ~~foreign~~  
 265 | passport issued by the government of another country with:

266 | (I) A stamp or mark affixed by the Federal Government onto  
 267 | the passport to evidence and authorize lawful presence in the  
 268 | United States; or

269 | (II) An unexpired ~~United States Visa affixed,~~ accompanied  
 270 | by an approved I-94, or current permanent resident card, or  
 271 | unexpired immigrant visa, issued by the Federal Government  
 272 | documenting the most recent admittance into the United States.

273 |  
 274 | A driver license or temporary permit issued based on documents  
 275 | required in subparagraph 7. or subparagraph 8. is valid for a

276 | period not to exceed the expiration date of the document  
 277 | presented or 1 year.

278 | **Section 7. Paragraph (e) of subsection (2) of section**  
 279 | **322.121, Florida Statutes, is amended to read:**

280 | 322.121 Periodic reexamination of all drivers.-

281 | (2) For each licensee whose driving record does not show  
 282 | any revocations, disqualifications, or suspensions for the  
 283 | preceding 7 years or any convictions for the preceding 3 years  
 284 | except for convictions of the following nonmoving violations:

285 | (e) Failure to notify the department of a change of  
 286 | address, ~~or~~ name, or United States citizenship status within 30  
 287 | ~~10~~ days pursuant to s. 322.19,

288 |  
 289 | the department shall cause such licensee's license to be  
 290 | prominently marked with the notation "Safe Driver."

291 | **Section 8. Section 322.19, Florida Statutes, is amended to**  
 292 | **read:**

293 | 322.19 Change of address, ~~or~~ name, or citizenship status.-

294 | (1) Except as provided in ss. 775.21, 775.261, 943.0435,  
 295 | 944.607, and 985.4815, whenever any person, after applying for  
 296 | or receiving a driver license or identification card, changes  
 297 | his or her legal name, that person must within 30 days  
 298 | thereafter obtain a replacement license or card that reflects  
 299 | the change.

300 | (2) If a person, after applying for or receiving a driver

301 license or identification card, changes the legal residence or  
302 mailing address in the application, license, or card, the person  
303 must, within 30 calendar days after making the change, obtain a  
304 replacement license or card that reflects the change. A written  
305 request to the department must include the old and new addresses  
306 and the driver license or identification card number. Any person  
307 who has a valid, current student identification card issued by  
308 an educational institution in this state is presumed not to have  
309 changed his or her legal residence or mailing address. This  
310 subsection does not affect any person required to register a  
311 permanent or temporary address change pursuant to s. 775.13, s.  
312 775.21, s. 775.25, or s. 943.0435.

313 (3) If a person, after applying for or receiving a driver  
314 license or identification card, becomes a citizen of the United  
315 States, such person must, within 30 calendar days after making  
316 the change, obtain a replacement license or card that reflects  
317 such change.

318 ~~(4)(3)~~ A violation of this section is a nonmoving  
319 violation with a penalty as provided in s. 318.18(2).

320 ~~(5)(4)~~ Notwithstanding any other provision of this  
321 chapter, if a licensee established his or her identity for a  
322 driver license using an identification document authorized under  
323 s. 322.08(2)(c)7. or 8., the licensee may not change his or her  
324 name or address except in person and upon submission of an  
325 identification document authorized under s. 322.08(2)(c)7. or 8.

326           **Section 9. Section 775.0824, Florida Statutes, is created**  
327 **to read:**

328           775.0824 Dangerous unauthorized alien offender;  
329 legislative intent; definitions; mandatory minimum prison  
330 terms.—

331           (1) It is the intent of the Legislature that dangerous  
332 unauthorized alien offenders be punished to the fullest extent  
333 of the law and as provided in this section.

334           (2) As used in this section, the term:

335           (a) "Dangerous unauthorized alien offender" means an  
336 unauthorized alien who is a member of a criminal gang as defined  
337 in s. 874.03, and who commits or attempts to commit a felony  
338 offense in this state.

339           (b) "Unauthorized alien" has the same meaning as in s.  
340 908.111.

341           (3) For an offense committed on or after the effective  
342 date of this act, if the state attorney determines that a person  
343 is a dangerous unauthorized alien offender, the state attorney  
344 shall seek to have the court sentence the person as a dangerous  
345 unauthorized alien offender. In a separate proceeding conducted  
346 pursuant to this section, upon proof from the state attorney  
347 that establishes that the person is a dangerous unauthorized  
348 alien offender, such person is not eligible for sentencing under  
349 the sentencing guidelines and must be sentenced as follows:

350           (a) For a felony punishable by life, by a term of life

351 imprisonment.

352 (b) For a felony of the first degree, by a term of  
353 imprisonment of 30 years.

354 (c) For a felony of the second degree, by a term of  
355 imprisonment of 15 years.

356 (d) For a felony of the third degree, by a term of  
357 imprisonment of 5 years.

358 (4) A person sentenced under subsection (3) shall be  
359 released only by expiration of sentence and is not eligible for  
360 parole, control release, or any form of early release. Any  
361 person sentenced under subsection (3) must serve 100 percent of  
362 the court-imposed sentence.

363 (5) This section does not prevent a court from imposing a  
364 greater sentence of incarceration as authorized by law, pursuant  
365 to s. 775.084 or any other provision of law.

366 **Section 10. Section 775.0848, Florida Statutes, is amended**  
367 **to read:**

368 775.0848 Offenses committed by an unauthorized alien  
369 ~~Commission of a felony after unlawful reentry into the United~~  
370 ~~States; reclassification.—The penalty for any misdemeanor or A~~  
371 ~~person who has been previously convicted of a crime relating to~~  
372 ~~the reentry of removed aliens under 8 U.S.C. s. 1326 shall have~~  
373 ~~the penalty for committing a felony~~ committed by an unauthorized  
374 alien as defined in s. 908.111 shall be committed after such  
375 ~~conviction~~ reclassified in the following manner:

376 (1) A misdemeanor of the second degree is reclassified to  
 377 a misdemeanor of the first degree.

378 (2) A misdemeanor of the first degree is reclassified to a  
 379 felony of the third degree.

380 (3)~~(1)~~ A felony of the third degree is reclassified to a  
 381 felony of the second degree.

382 (4)~~(2)~~ A felony of the second degree is reclassified to a  
 383 felony of the first degree.

384 (5)~~(3)~~ A felony of the first degree is reclassified to a  
 385 life felony.

386 **Section 11. Subsection (1) of section 874.03, Florida**  
 387 **Statutes, is amended, and subsection (8) is added to that**  
 388 **section, to read:**

389 874.03 Definitions.—As used in this chapter:

390 (1) "Criminal gang" means a formal or informal ongoing  
 391 organization, association, or group that has as one of its  
 392 primary activities the commission of criminal or delinquent  
 393 acts, and that consists of three or more persons who have a  
 394 common name or common identifying signs, colors, or symbols,  
 395 including, but not limited to, terrorist organizations,  
 396 transnational crime organizations, and hate groups.

397 (a) As used in this subsection, "ongoing" means that the  
 398 organization was in existence during the time period charged in  
 399 a petition, information, indictment, or action for civil  
 400 injunctive relief.



401 (b) As used in this subsection, "primary activities" means  
402 that a criminal gang spends a substantial amount of time engaged  
403 in such activity, although such activity need not be the only,  
404 or even the most important, activity in which the criminal gang  
405 engages.

406 (8) "Transnational crime organization" means any group,  
407 network, or association of persons, at least one of which is an  
408 unauthorized alien as defined in s. 908.111, that routinely  
409 facilitates the international trafficking of drugs, humans, or  
410 weapons or the international smuggling of humans.

411 **Section 12. Subsection (8) of section 895.02, Florida**  
412 **Statutes, is amended to read:**

413 895.02 Definitions.—As used in ss. 895.01-895.08, the  
414 term:

415 (8) "Racketeering activity" means to commit, to attempt to  
416 commit, to conspire to commit, or to solicit, coerce, or  
417 intimidate another person to commit:

418 (a) Any crime that is chargeable by petition, indictment,  
419 or information under the following provisions of the Florida  
420 Statutes:

421 1. Section 104.155(2), relating to aiding or soliciting a  
422 noncitizen in voting.

423 2.1- Section 210.18, relating to evasion of payment of  
424 cigarette taxes.

425 3.2- Section 316.1935, relating to fleeing or attempting

426 to elude a law enforcement officer and aggravated fleeing or  
427 eluding.

428 ~~4.3.~~ Chapter 379, relating to the illegal sale, purchase,  
429 collection, harvest, capture, or possession of wild animal life,  
430 freshwater aquatic life, or marine life, and related crimes.

431 ~~5.4.~~ Section 403.727(3)(b), relating to environmental  
432 control.

433 ~~6.5.~~ Section 409.920 or s. 409.9201, relating to Medicaid  
434 fraud.

435 ~~7.6.~~ Section 414.39, relating to public assistance fraud.

436 ~~8.7.~~ Section 440.105 or s. 440.106, relating to workers'  
437 compensation.

438 ~~9.8.~~ Section 443.071(4), relating to creation of a  
439 fictitious employer scheme to commit reemployment assistance  
440 fraud.

441 ~~10.9.~~ Section 465.0161, relating to distribution of  
442 medicinal drugs without a permit as an Internet pharmacy.

443 ~~11.10.~~ Section 499.0051, relating to crimes involving  
444 contraband, adulterated, or misbranded drugs.

445 ~~12.11.~~ Part IV of chapter 501, relating to telemarketing.

446 ~~13.12.~~ Chapter 517, relating to sale of securities and  
447 investor protection.

448 ~~14.13.~~ Section 550.235 or s. 550.3551, relating to  
449 dogracing and horseracing.

450 ~~15.14.~~ Chapter 550, relating to jai alai frontons.

451        ~~16.15.~~ Section 551.109, relating to slot machine gaming.  
452        ~~17.16.~~ Chapter 552, relating to the manufacture,  
453 distribution, and use of explosives.  
454        ~~18.17.~~ Chapter 560, relating to money transmitters, if the  
455 violation is punishable as a felony.  
456        ~~19.18.~~ Chapter 562, relating to beverage law enforcement.  
457        ~~20.19.~~ Section 624.401, relating to transacting insurance  
458 without a certificate of authority, s. 624.437(4)(c)1., relating  
459 to operating an unauthorized multiple-employer welfare  
460 arrangement, or s. 626.902(1)(b), relating to representing or  
461 aiding an unauthorized insurer.  
462        ~~21.20.~~ Section 655.50, relating to reports of currency  
463 transactions, when such violation is punishable as a felony.  
464        ~~22.21.~~ Chapter 687, relating to interest and usurious  
465 practices.  
466        ~~23.22.~~ Section 721.08, s. 721.09, or s. 721.13, relating  
467 to real estate timeshare plans.  
468        ~~24.23.~~ Section 775.13(5)(b), relating to registration of  
469 persons found to have committed any offense for the purpose of  
470 benefiting, promoting, or furthering the interests of a criminal  
471 gang.  
472        ~~25.24.~~ Section 777.03, relating to commission of crimes by  
473 accessories after the fact.  
474        ~~26.25.~~ Chapter 782, relating to homicide.  
475        ~~27.26.~~ Chapter 784, relating to assault and battery.

476        ~~28.27.~~ Chapter 787, relating to kidnapping, human  
477 smuggling, or human trafficking.

478        ~~29.28.~~ Chapter 790, relating to weapons and firearms.

479        ~~30.29.~~ Chapter 794, relating to sexual battery, but only  
480 if such crime was committed with the intent to benefit, promote,  
481 or further the interests of a criminal gang, or for the purpose  
482 of increasing a criminal gang member's own standing or position  
483 within a criminal gang.

484        ~~31.30.~~ Former s. 796.03, former s. 796.035, s. 796.04, s.  
485 796.05, or s. 796.07, relating to prostitution.

486        ~~32.31.~~ Chapter 806, relating to arson and criminal  
487 mischief.

488        ~~33.32.~~ Chapter 810, relating to burglary and trespass.

489        ~~34.33.~~ Chapter 812, relating to theft, robbery, and  
490 related crimes.

491        ~~35.34.~~ Chapter 815, relating to computer-related crimes.

492        ~~36.35.~~ Chapter 817, relating to fraudulent practices,  
493 false pretenses, fraud generally, credit card crimes, and  
494 patient brokering.

495        ~~37.36.~~ Chapter 825, relating to abuse, neglect, or  
496 exploitation of an elderly person or disabled adult.

497        ~~38.37.~~ Section 827.071, relating to commercial sexual  
498 exploitation of children.

499        ~~39.38.~~ Section 828.122, relating to fighting or baiting  
500 animals.

501        ~~40.39.~~ Chapter 831, relating to forgery and  
 502 counterfeiting.

503        ~~41.40.~~ Chapter 832, relating to issuance of worthless  
 504 checks and drafts.

505        ~~42.41.~~ Section 836.05, relating to extortion.

506        ~~43.42.~~ Chapter 837, relating to perjury.

507        ~~44.43.~~ Chapter 838, relating to bribery and misuse of  
 508 public office.

509        ~~45.44.~~ Chapter 843, relating to obstruction of justice.

510        ~~46.45.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
 511 or s. 847.07, relating to obscene literature and profanity.

512        ~~47.46.~~ Chapter 849, relating to gambling, lottery,  
 513 gambling or gaming devices, slot machines, or any of the  
 514 provisions within that chapter.

515        ~~48.47.~~ Chapter 874, relating to criminal gangs.

516        ~~49.48.~~ Chapter 893, relating to drug abuse prevention and  
 517 control.

518        ~~50.49.~~ Chapter 896, relating to offenses related to  
 519 financial transactions.

520        ~~51.50.~~ Sections 914.22 and 914.23, relating to tampering  
 521 with or harassing a witness, victim, or informant, and  
 522 retaliation against a witness, victim, or informant.

523        ~~52.51.~~ Sections 918.12 and 918.13, relating to tampering  
 524 with jurors and evidence.

525        **Section 13. Paragraph (c) of subsection (2) of section**

526 **903.046, Florida Statutes, is amended to read:**

527 903.046 Purpose of and criteria for bail determination.—

528 (2) When determining whether to release a defendant on  
529 bail or other conditions, and what that bail or those conditions  
530 may be, the court shall consider:

531 (c) The defendant's family ties, length of residence in  
532 the community, immigration status, employment history, financial  
533 resources, and mental condition.

534 **Section 14. Subsections (1) and (3) and paragraph (e) of**  
535 **subsection (5) of section 907.041, Florida Statutes, are**  
536 **amended, subsection (6) is added to that section, and paragraph**  
537 **(a) of subsection (5) of that section is republished, to read:**

538 907.041 Pretrial detention and release.—

539 (1) LEGISLATIVE INTENT.—It is the policy of this state  
540 that persons committing serious criminal offenses, posing a  
541 threat to the safety of the community or the integrity of the  
542 judicial process, ~~or~~ failing to appear at trial, or posing a  
543 substantial flight risk because of their status as unauthorized  
544 aliens be detained upon arrest. However, persons found to meet  
545 specified criteria shall be released under certain conditions  
546 until proceedings are concluded and adjudication has been  
547 determined. The Legislature finds that this policy of pretrial  
548 detention and release will assure the detention of those persons  
549 posing a threat to society while reducing the costs for  
550 incarceration by releasing, until trial, those persons not

551 considered a danger to the community who meet certain criteria.  
552 It is the intent of the Legislature that the primary  
553 consideration be the protection of the community from risk of  
554 physical harm to persons.

555 (3) RELEASE ON NONMONETARY CONDITIONS.—

556 (a) It is the intent of the Legislature to create a  
557 presumption in favor of release on nonmonetary conditions for  
558 any person who is granted pretrial release unless such person is  
559 charged with a dangerous crime as defined in subsection (5) or  
560 such person is an unauthorized alien charged with a forcible  
561 felony as described in subsection (6). ~~A Such person charged~~  
562 with a dangerous crime as defined in subsection (5) shall be  
563 released on monetary conditions if it is determined that such  
564 monetary conditions are necessary to assure the presence of the  
565 person at trial or at other proceedings, to protect the  
566 community from risk of physical harm to persons, to assure the  
567 presence of the accused at trial, or to assure the integrity of  
568 the judicial process.

569 (b) No person shall be released on nonmonetary conditions  
570 under the supervision of a pretrial release service, unless the  
571 service certifies to the court that it has investigated or  
572 otherwise verified:

573 1. The circumstances of the accused's family, employment,  
574 financial resources, character, mental condition, immigration  
575 status, and length of residence in the community;

576           2. The accused's record of convictions, of appearances at  
 577 court proceedings, of flight to avoid prosecution, or of failure  
 578 to appear at court proceedings; and

579           3. Other facts necessary to assist the court in its  
 580 determination of the indigency of the accused and whether she or  
 581 he should be released under the supervision of the service.

582           (5) PRETRIAL DETENTION.—

583           (a) As used in this subsection, "dangerous crime" means  
 584 any of the following:

- 585           1. Arson;
- 586           2. Aggravated assault;
- 587           3. Aggravated battery;
- 588           4. Illegal use of explosives;
- 589           5. Child abuse or aggravated child abuse;
- 590           6. Abuse of an elderly person or disabled adult, or  
 591 aggravated abuse of an elderly person or disabled adult;
- 592           7. Aircraft piracy;
- 593           8. Kidnapping;
- 594           9. Homicide;
- 595           10. Manslaughter, including DUI manslaughter and BUI  
 596 manslaughter;
- 597           11. Sexual battery;
- 598           12. Robbery;
- 599           13. Carjacking;
- 600           14. Lewd, lascivious, or indecent assault or act upon or



601 in presence of a child under the age of 16 years;

602 15. Sexual activity with a child, who is 12 years of age

603 or older but less than 18 years of age, by or at solicitation of

604 person in familial or custodial authority;

605 16. Burglary of a dwelling;

606 17. Stalking and aggravated stalking;

607 18. Act of domestic violence as defined in s. 741.28;

608 19. Home invasion robbery;

609 20. Act of terrorism as defined in s. 775.30;

610 21. Manufacturing any substances in violation of chapter

611 893;

612 22. Attempting or conspiring to commit any such crime;

613 23. Human trafficking;

614 24. Trafficking in any controlled substance described in

615 s. 893.135(1)(c)4.;

616 25. Extortion in violation of s. 836.05; and

617 26. Written threats to kill in violation of s. 836.10.

618 (e) When a person charged with a crime for which pretrial

619 detention could be ordered is arrested, the arresting agency

620 shall promptly notify the state attorney of the arrest and shall

621 provide the state attorney with such information as the

622 arresting agency has obtained relative to:

623 1. The nature and circumstances of the offense charged;

624 2. The nature of any physical evidence seized and the

625 contents of any statements obtained from the defendant or any

626 witness;

627 3. The defendant's family ties, residence, employment,  
628 immigration status, financial condition, and mental condition;  
629 and

630 4. The defendant's past conduct and present conduct,  
631 including any record of convictions, previous flight to avoid  
632 prosecution, or failure to appear at court proceedings.

633 (6) (a) As used in this subsection, the term:

634 1. "Forcible felony" has the same meaning as in s. 776.08.

635 2. "Unauthorized alien" has the same meaning as in s.  
636 908.111.

637 (b) An unauthorized alien who is arrested for committing a  
638 forcible felony is not eligible for release until he or she  
639 appears for a first appearance hearing.

640 (c) If, at the first appearance hearing, the court  
641 determines there is probable cause to believe the defendant  
642 committed a forcible felony and further determines by a  
643 preponderance of the evidence that the defendant is an  
644 unauthorized alien, the court shall presume that the defendant  
645 presents a substantial flight risk and that no conditions of  
646 release will ensure his or her appearance at trial and shall  
647 order pretrial detention. The defendant may rebut the  
648 presumption by demonstrating, by a preponderance of the  
649 evidence, that appropriate conditions of release will ensure his  
650 or her appearance at trial. If the court determines the

651 defendant has rebutted the presumption, it must consider the  
652 criteria in s. 903.046, and any other relevant facts, to  
653 determine whether to release the defendant on bail or other  
654 conditions.

655 (d) The defendant may request a continuance of his or her  
656 first appearance hearing conducted under this subsection. A  
657 continuance shall not be longer than 48 hours unless the court  
658 determines there are extenuating circumstances. The state  
659 attorney shall be entitled to one continuance for good cause.  
660 The defendant may not be released from custody pending any such  
661 continuance.

662 **Section 15. Paragraphs (e) and (f) of subsection (6) of**  
663 **section 908.102, Florida Statutes, are amended, and paragraphs**  
664 **(g) and (h) are added to that subsection, to read:**

665 908.102 Definitions.—As used in this chapter, the term:

666 (6) "Sanctuary policy" means a law, policy, practice,  
667 procedure, or custom adopted or allowed by a state entity or  
668 local governmental entity which prohibits or impedes a law  
669 enforcement agency from complying with 8 U.S.C. s. 1373 or which  
670 prohibits or impedes a law enforcement agency from communicating  
671 or cooperating with a federal immigration agency so as to limit  
672 such law enforcement agency in, or prohibit the agency from:

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

675 (f) Providing information to a state entity on the

676 immigration status of an inmate or detainee in the custody of  
677 the law enforcement agency;~~-~~

678 (g) Executing a lawful judicial warrant; or

679 (h) Participating in a federal immigration operation with  
680 a federal immigration agency as permitted by federal and state  
681 law.

682 **Section 16. Section 908.1031, Florida Statutes, is created**  
683 **to read:**

684 908.1031 State Board of Immigration Enforcement; creation;  
685 purpose and duties.-

686 (1) The State Board of Immigration Enforcement is created  
687 within the Department of Law Enforcement, composed of the  
688 Governor and Cabinet, which shall be referred to as the board.  
689 The Governor and Cabinet shall serve as the agency head of the  
690 board. The board shall be a separate budget entity and shall be  
691 exempt from s. 20.052. All board action shall be by unanimous  
692 vote. The board shall not be subject to control, supervision, or  
693 direction of the Department of Law Enforcement in any manner.

694 (2) The board shall appoint an executive director to  
695 assist in the implementation of its responsibilities.

696 (3) The board is the chief immigration enforcement officer  
697 of the state and shall:

698 (a) Serve as a resource for the United States Immigration  
699 and Customs Enforcement.

700 (b) Coordinate and cooperate with the Federal Government

701 in the enforcement of federal immigration laws and other matters  
702 related to the enforcement of federal immigration laws.

703 (c) Coordinate with and provide assistance to law  
704 enforcement agencies in the enforcement of federal immigration  
705 laws and other matters related to the enforcement of federal  
706 immigration laws, and monitor local government compliance with  
707 the requirements of this chapter.

708 (d) Administer the Local Law Enforcement Immigration Grant  
709 Program established in s. 908.1033.

710 (e) Collect data related to operations with the United  
711 States Immigration and Customs Enforcement from law enforcement  
712 agencies and, by December 15 of each year, submit a report to  
713 the President of the Senate and the Speaker of the House of  
714 Representatives. The report may contain recommendations to the  
715 Legislature to improve the state's cooperation and coordination  
716 with the Federal Government in the enforcement of federal  
717 immigration laws within this state. The report must detail the  
718 number of trained law enforcement officers under the required  
719 agreements in s. 908.11 and the level of cooperation and  
720 coordination between the following entities and federal  
721 immigration agencies:

- 722 1. State entities.  
723 2. Local governmental entities.  
724 3. Law enforcement agencies.

725 (f) Actively seek Congressional action to amend the

726 National Crime Prevention and Privacy Compact to require states  
727 that are a party to the compact to share information relating to  
728 a person's immigration status for criminal justice purposes and  
729 to require that such information be fully shared with all  
730 federal agencies having authority over immigration enforcement.

731 (g) No later than March 24, 2025, report to the President  
732 of the Senate and the Speaker of the House of Representatives  
733 the number of vacant beds available in state correctional  
734 institutions and facilities and county detention facilities  
735 which can be sublet to the United States Immigration and Customs  
736 Enforcement for use as detention beds. Operators of state  
737 correctional institutions and facilities and county detention  
738 facilities shall provide such information requested by the board  
739 no later than March 15, 2025.

740 (4) The State Board of Immigration Enforcement may adopt  
741 rules necessary to implement this section.

742 (5) The Department of Law Enforcement must provide  
743 administrative support to the State Board of Immigration  
744 Enforcement.

745 **Section 17. Section 908.1032, Florida Statutes, is created**  
746 **to read:**

747 908.1032 State Immigration Enforcement Council.—The State  
748 Immigration Enforcement Council, an advisory council as defined  
749 in s. 20.03, is created within the State Board of Immigration  
750 Enforcement for the purpose of advising the board.

751       (1) The council must be composed of eight members. The  
752 Governor, Attorney General, Chief Financial Officer, and  
753 Commissioner of Agriculture each must appoint one police chief.  
754 The President of the Senate and the Speaker of the House of  
755 Representatives must each appoint two sheriffs. The State Board  
756 of Immigration Enforcement must unanimously elect a sheriff from  
757 among the council's membership to serve as chair.

758       (2) (a) Members shall be appointed to terms of 4 years. Any  
759 vacancy shall be filled within 2 weeks after such a vacancy by  
760 appointment by the original appointing authority for the  
761 unexpired portion of the term. For the purpose of providing  
762 staggered terms, the initial appointments by the Cabinet shall  
763 be for a term of 2 years.

764       (b) Membership on the council shall not disqualify a  
765 member from holding any other public office or being employed by  
766 a public entity, except that no member of the Legislature shall  
767 serve on the council. The Legislature finds that the council  
768 serves a state, county, and municipal purpose and that service  
769 on the council is consistent with a member's principal service  
770 in a public office or employment.

771       (c) Members of the council shall serve without  
772 compensation but are entitled to reimbursement for per diem and  
773 travel expenses pursuant to s. 112.061.

774       (3) The first meeting of the council shall be held no  
775 later than April 1, 2025. Thereafter, the council must meet

776 quarterly. Additional meetings may be held at the discretion of  
777 the chair. A majority of members of the council constitute a  
778 quorum. Council meetings may be conducted by teleconference or  
779 other electronic means.

780 (4) The council shall:

781 (a) Assist the State Board of Immigration Enforcement on  
782 issues related to immigration enforcement, provided such  
783 requests are made after unanimous approval of the board.

784 (b) Recommend to the board program participation expenses  
785 related to 287(g) of the Immigration and Nationality Act, 8  
786 U.S.C. s. 1357, which should be reimbursable under the Local Law  
787 Enforcement Immigration Grant Program established in s. 908.1033  
788 and funding criteria for the program.

789 (c) Request guidance from the United States Immigration  
790 and Customs Enforcement for training opportunities and  
791 strategies to further 287(g) of the Immigration and Nationality  
792 Act, 8 U.S.C. s. 1357, program participation in the state and  
793 advise the board on new training activities that could be  
794 considered for reimbursement under the Local Law Enforcement  
795 Immigration Grant Program.

796 (d) Advise the board on the efforts of local law  
797 enforcement agencies related to the enforcement of federal  
798 immigration laws within the state.

799 (e) Provide recommendations on the financial resources  
800 necessary to aid local law enforcement agencies, and any other



801 resources necessary to facilitate the training of such agencies,  
802 in the cooperation and coordination with the Federal Government  
803 in the enforcement of federal immigration laws.

804 (f) Provide recommendations to enhance information sharing  
805 between state entities, local governmental entities, law  
806 enforcement agencies, and the Federal Government in the  
807 enforcement of federal immigration laws within the state. The  
808 recommendations must provide for enhanced use and coordination  
809 of the following Federal Government centers, including, but not  
810 limited to:

811 1. The Federal Bureau of Investigation's Terrorist  
812 Screening Center.

813 2. The United States Customs and Border Protection's  
814 National Targeting Center.

815 3. The United States Department of Homeland Security  
816 Fusion Centers.

817 4. The United States Drug Enforcement Administration's  
818 Special Operations Unit.

819 (g) Provide recommendations on strategies to increase the  
820 number of available detention beds for use by the United States  
821 Immigration and Customs Enforcement.

822 (h) Upon unanimous approval of the board, assist in the  
823 collection of data from law enforcement agencies as required  
824 under s. 908.1031(3)(e).

825 (5) The Department of Law Enforcement must provide

826 administrative support to the State Immigration Enforcement  
827 Council.

828 **Section 18. Section 908.1033, Florida Statutes, is created**  
829 **to read:**

830 908.1033 Local Law Enforcement Immigration Grant Program.—

831 (1) The Local Law Enforcement Immigration Grant Program is  
832 created within the State Board of Immigration Enforcement to  
833 award grants to support local law enforcement agencies, which  
834 include chief correctional officers operating county detention  
835 facilities, in their cooperation and coordination with federal  
836 immigration agencies in the enforcement of federal immigration  
837 laws. The board shall award any funds specifically appropriated  
838 for the program to reimburse expenses or issue bonus payments as  
839 provided in this section.

840 (2) A local law enforcement agency may apply to the State  
841 Board of Immigration Enforcement for reimbursement of expenses  
842 incurred in its cooperation and coordination with federal  
843 immigration agencies in the enforcement of federal immigration  
844 laws. Reimbursements may be requested for the following eligible  
845 expenses:

846 (a) Subletting detention beds to the United States  
847 Immigration and Customs Enforcement.

848 (b) Equipment, travel, and lodging related to 287(g) of  
849 the Immigration and Nationality Act, 8 U.S.C. s. 1357, program.

850 (c) Training programs, including certified apprenticeship

851 programs, related to supporting the enforcement of federal  
852 immigration laws.

853 (d) Hardware or software essential to assisting the  
854 Federal Government in its enforcement of federal immigration  
855 laws.

856 (3) (a) A local law enforcement agency may apply to the  
857 State Board of Immigration Enforcement to provide bonus payments  
858 for the agency's local law enforcement officers who participate  
859 in United States Department of Homeland Security at-large task  
860 force operations. The local law enforcement agency may apply for  
861 a bonus of up to \$1,000 for each local law enforcement officer  
862 employed within that agency. The local law enforcement agency  
863 must certify to the board that the local law enforcement officer  
864 participated in one or more operations and provide any  
865 information required by the board. Eligible participation does  
866 not include operations occurring solely at state correctional  
867 facilities or county detention facilities.

868 (b) The bonus payment shall be adjusted to include 7.65  
869 percent for the officers' share of Federal Insurance  
870 Contribution Act tax on the bonus.

871 (4) (a) Grants shall be awarded on a first-come, first-  
872 served basis based on the date the State Board of Immigration  
873 Enforcement received each completed application. The board shall  
874 establish application procedures and eligibility requirements to  
875 request reimbursement of eligible expenses or to provide bonus

876 payments, after considering recommendations of the State  
877 Immigration Enforcement Council related to funding criteria.

878 (b) Upon receiving a submitted application, the executive  
879 director of the board shall review the application to ensure  
880 that it is complete. At least quarterly, the executive director  
881 shall complete the review and make a recommendation to the board  
882 for approval or denial of the application.

883 (c) A grant application recommended for approval by the  
884 executive director must be unanimously approved by the board or  
885 by the executive director if authorized by the board in rule.  
886 Upon approval, the board must provide notification in writing to  
887 the chair and vice chair of the Legislative Budget Commission at  
888 least 14 days before a grant may be issued to a local law  
889 enforcement agency under the program. Notwithstanding s.  
890 216.177(2)(b), the chair or vice chair of the Legislative Budget  
891 Commission may timely object in writing, which shall void such  
892 action until the Legislative Budget Commission or the  
893 Legislature addresses the issue.

894 (5) The total amount of grants awarded may not exceed  
895 funding appropriated for the grant program. In order to  
896 efficiently and effectively disburse the funds, the State Board  
897 of Immigration Enforcement may not duplicate benefits and grants  
898 may not be awarded to pay for any activity for which the agency  
899 has received or expects to receive federal or other funding.

900 (6) Local law enforcement agencies shall assist the State

901 Board of Immigration Enforcement with the collection of any data  
902 necessary to determine bonus payment amounts and to distribute  
903 the bonus payments and shall otherwise provide the board with  
904 any information or assistance needed to fulfill the requirements  
905 of this section.

906 (7) The State Board of Immigration Enforcement shall adopt  
907 rules to implement this section. The rules shall establish  
908 procedures to implement and carry out this section, including a  
909 process for reviewing and taking action on the grant  
910 applications in bulk or as part of a consent calendar. The rules  
911 shall include application requirements and establish supporting  
912 documentation necessary for the board to make decisions. The  
913 rules may allow for the executive director to approve grants of  
914 up to \$25,000 without board approval.

915 **Section 19. Subsections (3), (4), and (5) through (8) of**  
916 **section 908.104, Florida Statutes, are renumbered as subsections**  
917 **(4), (5), and (7) through (10), respectively, subsection (1) and**  
918 **present subsections (5), (6), and (8) are amended, and new**  
919 **subsections (3) and (6) are added to that section, to read:**

920 908.104 Cooperation with federal immigration authorities.—

921 (1) Consistent with all duties created in state and  
922 federal law, state and local law enforcement agencies and any  
923 official responsible for directing or supervising such ~~A law~~  
924 ~~enforcement~~ agency shall use best efforts to support the  
925 enforcement of federal immigration law. This subsection applies

926 to an official, representative, agent, or employee of the entity  
927 or agency only when he or she is acting within the scope of his  
928 or her official duties or within the scope of his or her  
929 employment.

930 (3) A state entity, local governmental entity, or law  
931 enforcement agency, may not prohibit or in any way restrict a  
932 law enforcement officer from executing or assisting in the  
933 execution of a lawful judicial warrant.

934 (6) Upon request from a federal immigration agency, a  
935 sheriff or chief correctional officer operating a county  
936 detention facility must provide the requesting federal  
937 immigration agency a list of all inmates booked into a county  
938 detention facility and any information regarding each inmate's  
939 immigration status.

940 (7)(5) This section does not require a state entity, local  
941 governmental entity, or law enforcement agency to provide a  
942 federal immigration agency with information related to a victim  
943 of or a witness to a criminal offense if:

944 (a) The victim or witness is necessary to the  
945 investigation or prosecution of a crime, and such crime occurred  
946 in the United States; and

947 (b) The victim or witness timely and in good faith  
948 responds to the entity's or agency's request for information and  
949 cooperates ~~cooperation~~ in the investigation or prosecution of  
950 such ~~the~~ offense.

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951        ~~(8)(6)~~ A state entity, local governmental entity, or law  
952 enforcement agency that, pursuant to subsection (7) ~~(5)~~,  
953 withholds information regarding the immigration information of a  
954 victim of or witness to a criminal offense shall document the  
955 victim's or witness's cooperation in the entity's or agency's  
956 investigative records related to the offense and shall retain  
957 the records for at least 10 years for the purpose of audit,  
958 verification, or inspection by the Auditor General.

959        ~~(10)(8)~~ This section does not apply to any alien  
960 unlawfully present in the United States if he or she is or has  
961 been a necessary witness or victim of a crime of domestic  
962 violence, rape, sexual exploitation, sexual assault, murder,  
963 manslaughter, assault, battery, human trafficking, kidnapping,  
964 false imprisonment, involuntary servitude, fraud in foreign  
965 labor contracting, blackmail, extortion, or witness tampering,  
966 provided that such crime was committed in the United States.  
967 Documentation, including, but not limited to, police reports,  
968 testimony, sworn statements, or a victim impact statement, must  
969 be relied upon to verify that the person was a necessary witness  
970 or victim to the crime.

971        **Section 20. Paragraph (d) is added to subsection (1) of**  
972 **section 908.105, Florida Statutes, and subsection (4) is added**  
973 **to that section, to read:**

974        908.105 Duties related to immigration detainers.—

975        (1) A law enforcement agency that has custody of a person

976 subject to an immigration detainer issued by a federal  
977 immigration agency shall:

978 (d) Notify the state attorney that the person is subject  
979 to an immigration detainer.

980 (4) (a) If any county, district, authority, municipality,  
981 or other local government adopts an ordinance, a regulation, a  
982 rule, or a policy refusing to comply with or otherwise directing  
983 local officials, employees, or others to refuse to comply with  
984 an immigration detainer issued by a federal immigration agency,  
985 the Attorney General must initiate judicial proceedings in the  
986 name of the state in order to enforce compliance. The court,  
987 upon finding noncompliance with this subsection, shall declare  
988 invalid the improper ordinance, regulation, rule, or policy and  
989 issue a permanent injunction against the local government  
990 prohibiting it from enforcing such ordinance, regulation, rule,  
991 or policy. It is not a defense that in enacting the ordinance,  
992 regulation, rule, or policy the local government was acting in  
993 good faith or upon advice of counsel.

994 (b) If the court determines that a violation was knowing  
995 and willful, the court must assess a civil fine of up to \$5,000  
996 against the elected or appointed local government official or  
997 officials or administrative agency head under whose jurisdiction  
998 the violation occurred.

999 (c) Except as required by applicable law, public funds may  
1000 not be used to defend or reimburse the unlawful conduct of any



1001 person found to have knowingly and willfully violated this  
 1002 subsection.

1003 **Section 21. Subsection (1) of section 908.107, Florida**  
 1004 **Statutes, is amended to read:**

1005 908.107 Enforcement.—

1006 (1) Any executive or administrative state, county, or  
 1007 municipal officer who violates his or her duties under this  
 1008 chapter may be subject to action by the Governor, including  
 1009 potential suspension from office, in the exercise of his or her  
 1010 authority under the State Constitution and state law. Pursuant  
 1011 to s. 1(b), Art. IV of the State Constitution, the Governor may  
 1012 initiate judicial proceedings in the name of the state against  
 1013 such officers to enforce compliance with any duty under this  
 1014 chapter or restrain any unauthorized act contrary to this  
 1015 chapter.

1016 **Section 22. Section 908.11, Florida Statutes, is amended**  
 1017 **to read:**

1018 908.11 Immigration enforcement assistance agreements;  
 1019 reporting requirement.—

1020 (1) The sheriff or the chief correctional officer ~~By~~  
 1021 ~~January 1, 2023, each law enforcement agency~~ operating a county  
 1022 detention facility must enter into a written agreement with the  
 1023 United States Immigration and Customs Enforcement to participate  
 1024 in the immigration program established under s. 287(g) of the  
 1025 Immigration and Nationality Act, 8 U.S.C. s. 1357. The State

1026 Board of Immigration Enforcement must approve the termination of  
 1027 any such agreement. This subsection does not require a sheriff  
 1028 or chief correctional officer operating a county detention  
 1029 facility law enforcement agency to participate in a particular  
 1030 program model.

1031 (2) Beginning no later than April 1, 2025 ~~October 1, 2022,~~  
 1032 and until the sheriff or chief correctional officer operating a  
 1033 county detention facility law enforcement agency enters into the  
 1034 written agreement required under subsection (1), each sheriff or  
 1035 chief correctional officer law enforcement agency operating a  
 1036 county detention facility must notify the State Board of  
 1037 Immigration Enforcement ~~Department of Law Enforcement~~ quarterly  
 1038 of the status of such written agreement and any reason for  
 1039 noncompliance with this section, if applicable.

1040 **Section 23. Section 908.13, Florida Statutes, is created**  
 1041 **to read:**

1042 908.13 Unauthorized Alien Transport Program.—

1043 (1) As used in this section, the term "unauthorized alien"  
 1044 has the same meaning as in s. 908.111.

1045 (2) The Unauthorized Alien Transport Program is created  
 1046 within the Division of Emergency Management within the Executive  
 1047 Office of the Governor for the purpose of facilitating the  
 1048 transport of unauthorized aliens, consistent with federal law.  
 1049 In order for the division to provide such transport, all of the  
 1050 following requirements must be met:

1051           (a) The United States Immigration and Customs Enforcement  
 1052 must specifically request assistance from the division with the  
 1053 transport of unauthorized aliens pursuant to specific federal  
 1054 legal authority.

1055           (b) The United States Immigration and Customs Enforcement  
 1056 must reimburse the state for the actual cost of assisting with  
 1057 the transport of unauthorized aliens.

1058           (c) The transport must occur under the direct control and  
 1059 supervision of the United States Immigration and Customs  
 1060 Enforcement.

1061           (3) The section is repealed June 30, 2027.

1062           **Section 24. Paragraph (d) of subsection (3) of section**  
 1063 **921.0022, Florida Statutes, is amended to read:**

1064           921.0022 Criminal Punishment Code; offense severity  
 1065 ranking chart.—

1066           (3) OFFENSE SEVERITY RANKING CHART

1067           (d) LEVEL 4

1068

| Florida<br>Statute | Felony<br>Degree | Description  |
|--------------------|------------------|--|
| <u>104.155</u>     | <u>3rd</u>       | <u>Unqualified noncitizen electors<br/>voting; aiding or soliciting<br/>noncitizen electors in voting.</u> |

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| 1071 | 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. |
| 1072 | 499.0051 (1)     | 3rd | Failure to maintain or deliver transaction history, transaction information, or transaction statements.  |
| 1073 | 499.0051 (5)     | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.  |
| 1074 | 517.07 (1)       | 3rd | Failure to register securities.  |
| 1075 | 517.12 (1)       | 3rd | Failure of dealer or associated person of a dealer of securities to register.  |
| 1076 | 784.031          | 3rd | Battery by strangulation.  |
|      | 784.07 (2) (b)   | 3rd | Battery of law enforcement   |

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|      |                 |     | officer, firefighter, etc.   |
| 1077 | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff.  |
| 1078 | 784.075         | 3rd | Battery on detention or commitment facility staff.   |
| 1079 | 784.078         | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 1080 | 784.08 (2) (c)  | 3rd | Battery on a person 65 years of age or older.  |
| 1081 | 784.081 (3)     | 3rd | Battery on specified official or employee.   |
| 1082 | 784.082 (3)     | 3rd | Battery by detained person on visitor or other detainee.                                     |
| 1083 | 784.083 (3)     | 3rd | Battery on code inspector.   |
| 1084 | 784.085         | 3rd | Battery of child by throwing, tossing, projecting, or  |

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| 1085 |                 |     | expelling certain fluids or materials.   |
|      | 787.03 (1)      | 3rd | Interference with custody; wrongly takes minor from appointed guardian.  |
| 1086 |                 |     |  |
|      | 787.04 (2)      | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.                                    |
| 1087 |                 |     |  |
|      | 787.04 (3)      | 3rd | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 1088 |                 |     |  |
|      | 787.07          | 3rd | Human smuggling.   |
| 1089 |                 |     |  |
|      | 790.115 (1)     | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school.  |
| 1090 |                 |     |  |
|      | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or   |

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| 1091 |                 |     | other weapon on school property.  |
| 1092 | 790.115 (2) (c) | 3rd | Possessing firearm on school property.  |
| 1093 | 794.051 (1)     | 3rd | Indecent, lewd, or lascivious touching of certain minors.                                     |
| 1094 | 800.04 (7) (c)  | 3rd | Lewd or lascivious exhibition; offender less than 18 years.                                   |
| 1095 | 806.135         | 2nd | Destroying or demolishing a memorial or historic property.                                    |
| 1096 | 810.02 (4) (a)  | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.  |
| 1097 | 810.02 (4) (b)  | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |

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| 1098 | 810.06                            | 3rd | Burglary; possession of tools.  |
| 1099 | 810.08 (2) (c)                    | 3rd | Trespass on property, armed with firearm or dangerous weapon.   |
| 1100 | 810.145 (3) (b)                   | 3rd | Digital voyeurism dissemination.  |
| 1101 | 812.014 (2) (c) 3.                | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000.  |
| 1102 | 812.014<br>(2) (c) 4. &<br>6.-10. | 3rd | Grand theft, 3rd degree; specified items.   |
| 1103 | 812.014 (2) (d) 2.                | 3rd | Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.   |
|      | 812.014 (2) (e) 3.                | 3rd | Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions. |



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| 1104 | 812.0195 (2)     | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more.                     |
| 1105 | 817.505 (4) (a)  | 3rd | Patient brokering.  |
| 1106 | 817.563 (1)      | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs. |
| 1107 | 817.568 (2) (a)  | 3rd | Fraudulent use of personal identification information.  |
| 1108 | 817.5695 (3) (c) | 3rd | Exploitation of person 65 years of age or older, value less than \$10,000.                            |
| 1109 | 817.625 (2) (a)  | 3rd | Fraudulent use of scanning device, skimming device, or reencoder.                                     |
| 1110 | 817.625 (2) (c)  | 3rd | Possess, sell, or deliver skimming device.  |

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| 1111 | 828.125 (1)    | 2nd | Kill, maim, or cause great<br>bodily harm or permanent<br>breeding disability to any<br>registered horse or cattle. |
| 1112 | 836.14 (2)     | 3rd | Person who commits theft of a<br>sexually explicit image with<br>intent to promote it.                              |
| 1113 | 836.14 (3)     | 3rd | Person who willfully possesses<br>a sexually explicit image with<br>certain knowledge, intent, and<br>purpose.      |
| 1114 | 837.02 (1)     | 3rd | Perjury in official<br>proceedings.   |
| 1115 | 837.021 (1)    | 3rd | Make contradictory statements<br>in official proceedings.   |
| 1116 | 838.022        | 3rd | Official misconduct.  |
| 1117 | 839.13 (2) (a) | 3rd | Falsifying records of an<br>individual in the care and  |

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| 1118 |                |     | custody of a state agency.  |
|      | 839.13(2)(c)   | 3rd | Falsifying records of the Department of Children and Families.  |
| 1119 |                |     |   |
|      | 843.021        | 3rd | Possession of a concealed handcuff key by a person in custody.  |
| 1120 |                |     |   |
|      | 843.025        | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 1121 |                |     |   |
|      | 843.15(1)(a)   | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping).                                     |
| 1122 |                |     |   |
|      | 843.19(2)      | 2nd | Injure, disable, or kill police, fire, or SAR canine or police horse.   |
| 1123 |                |     |   |
|      | 847.0135(5)(c) | 3rd | Lewd or lascivious exhibition using computer; offender less   |

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|      |                   |     | than 18 years.  |
| 1124 | 870.01 (3)        | 2nd | Aggravated rioting.   |
| 1125 | 870.01 (5)        | 2nd | Aggravated inciting a riot.   |
| 1126 | 874.05 (1) (a)    | 3rd | Encouraging or recruiting another to join a criminal gang.  |
| 1127 | 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). |
| 1128 | 914.14 (2)        | 3rd | Witnesses accepting bribes.   |
| 1129 | 914.22 (1)        | 3rd | Force, threaten, etc., witness, victim, or informant.   |
| 1130 | 914.23 (2)        | 3rd | Retaliation against a witness, victim, or informant, no bodily injury.                                |
| 1131 | 916.1085          | 3rd | Introduction of specified   |

1132 (2) (c) 1. contraband into certain DCF  
facilities.

1133 918.12 3rd Tampering with jurors.

1134 934.215 3rd Use of two-way communications  
device to facilitate commission  
of a crime.

1135 944.47 (1) (a) 6. 3rd Introduction of contraband  
(cellular telephone or other  
portable communication device)  
into correctional institution.

1136 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.

1137 **Section 25. Effective July 1, 2025, paragraph (a) of**  
1138 **subsection (12) of section 1009.26, Florida Statutes, is amended**  
1139 **to read:**

1140 1009.26 Fee waivers.—

1141 (12) (a) A state university, a Florida College System  
 1142 institution, a career center operated by a school district under  
 1143 s. 1001.44, or a charter technical career center shall waive  
 1144 out-of-state fees for students who are citizens of the United  
 1145 States or lawfully present in the United States, ~~including, but~~  
 1146 ~~not limited to, students who are undocumented for federal~~  
 1147 ~~immigration purposes,~~ who meet the following conditions:

1148 1. Attended a secondary school in this state for 3  
 1149 consecutive years immediately before graduating from a high  
 1150 school in this state;

1151 2. Apply for enrollment in an institution of higher  
 1152 education within 24 months after high school graduation; and

1153 3. Submit an official Florida high school transcript as  
 1154 evidence of attendance and graduation.

1155 **Section 26.** Students receiving a fee waiver pursuant to s.  
 1156 1009.26(12), Florida Statutes, must be reevaluated for  
 1157 eligibility beginning July 1, 2025.

1158 **Section 27.** Section 1 of chapter 2023-3, Laws of Florida,  
 1159 is repealed.

1160 **Section 28.** (1) The State Board of Immigration Enforcement  
 1161 within the Department of Law Enforcement is authorized, and all  
 1162 conditions are deemed met, to adopt emergency rules pursuant to  
 1163 s. 120.54(4), Florida Statutes, for the purpose of implementing  
 1164 provisions related to the Local Law Enforcement Immigration  
 1165 Grant Program created by this act. Notwithstanding any other

1166 law, emergency rules adopted pursuant to this subsection are  
1167 effective for 6 months after adoption and may be renewed during  
1168 the pendency of procedures to adopt permanent rules addressing  
1169 the subject of the emergency rules.

1170 (2) This section expires July 1, 2026.

1171 **Section 29.** The Legislature finds that the state's  
1172 criminal justice training centers as well as facilities of the  
1173 Department of Military Affairs, such as the Camp Blanding Joint  
1174 Training Center, are highly qualified and critical strategic,  
1175 year-round assets for training. The Legislature has made  
1176 significant investments to make the Camp Blanding Joint Training  
1177 Center the premier facility in the Southeast. In order to  
1178 support the anticipated training and operations involving  
1179 multiple federal, state, and local agencies, and given the scale  
1180 and value of this state's assets, the Department of Military  
1181 Affairs and local law enforcement shall work with the State  
1182 Board of Immigration Enforcement within the Department of Law  
1183 Enforcement to ensure that the state's federal partners can  
1184 access and use the state's physical assets in order to further  
1185 the nation's mission to address illegal immigration. Such  
1186 activities include outreach to federal partners as well as  
1187 entering into agreements for the use of such facilities.

1188 **Section 30.** (1) For the 2024-2025 fiscal year, the sums  
1189 of \$680,046 in recurring funds and \$250,026,781 in nonrecurring  
1190 funds are appropriated from the General Revenue Fund to the

1191 State Board of Immigration Enforcement within the Department of  
1192 Law Enforcement to implement this act.

1193 (2) From the recurring general revenue funds, \$680,046  
1194 shall be allocated to the State Board of Immigration Enforcement  
1195 budget entity in specific appropriations categories: \$478,235 in  
1196 Salaries and Benefits, \$30,053 in Expenses, \$150,000 in  
1197 Contracted Services, \$10,000 in Operating Capital Outlay,  
1198 \$10,000 in Lease/Purchase of Equipment, and \$1,758 in Transfer  
1199 to the Department of Management Services/Statewide Human  
1200 Resources Contract. These funds shall be released immediately  
1201 upon this act becoming a law.

1202 (3) From the nonrecurring general revenue funds, \$26,781  
1203 shall be allocated to the State Board of Immigration Enforcement  
1204 budget entity in the Expenses category. These funds shall be  
1205 released immediately upon this act becoming a law.

1206 (4) The Department of Law Enforcement is authorized to  
1207 establish 5.00 full-time equivalent positions with associated  
1208 salary rate of 325,928 in the State Board of Immigration  
1209 Enforcement budget entity for the purpose of implementing this  
1210 act. The following specific positions, classifications, and pay  
1211 plans are authorized: one Executive Director, class code 9900,  
1212 pay plan 09; one Senior Management Analyst Supervisor-SES, class  
1213 code 2228, pay plan 08; two Governmental Analyst II, class code  
1214 2225, pay plan 01; and one Administrative Assistant II, class  
1215 code 0712, pay plan 01.



1216 (5) From the nonrecurring general revenue funds,  
 1217 \$250,000,000 shall be allocated to specific appropriation  
 1218 special category Local Law Enforcement Immigration Grant Program  
 1219 in the State Board of Immigration Enforcement budget entity to  
 1220 implement the Local Law Enforcement Immigration Grant Program.  
 1221 The funds shall be released as provided in s. 908.1033, Florida  
 1222 Statutes, created by this act. The unexpended balance of  
 1223 nonrecurring funds remaining on June 30, 2025, shall revert and  
 1224 is appropriated to the department for Fiscal Year 2025-2026 for  
 1225 the same purposes.

1226 **Section 31.** (1) For the 2024-2025 fiscal year, the sums  
 1227 of \$12,553,547 in recurring funds and \$35,570,178 in  
 1228 nonrecurring funds are appropriated from the General Revenue  
 1229 Fund to the Department of Agriculture and Consumer Services to  
 1230 enhance interdiction activities and protect the borders of this  
 1231 state.

1232 (2) (a) From the recurring general revenue funds, the sum  
 1233 of \$12,553,547 shall be allocated to the Agricultural Law  
 1234 Enforcement budget entity in specific appropriations categories:  
 1235 \$8,574,036 in Salaries and Benefits, \$3,449,999 in Expenses,  
 1236 \$500,000 in Contracted Services, and \$29,512 in Transfer to the  
 1237 Department of Management Services/Statewide Human Resources  
 1238 Contract.

1239 (b) These funds shall be released immediately upon this  
 1240 act becoming a law.

1241 (3) (a) From the nonrecurring general revenue funds, the  
 1242 sum of \$35,570,178 shall be allocated to the Agricultural Law  
 1243 Enforcement budget entity in specific appropriations categories:  
 1244 \$327,754 in Operating Capital Outlay, \$25,000,000 in Fixed  
 1245 Capital Outlay - Facilities Construction and Major Renovations,  
 1246 \$10,029,160 in Acquisition of Motor Vehicles, and \$213,264 in  
 1247 Acquisition of Boats, Motors, and Trailers.

1248 (b) These funds shall be released immediately upon this  
 1249 act becoming a law. The unexpended balance of nonrecurring  
 1250 general revenue funds appropriated to the Department of  
 1251 Agriculture and Consumer Services remaining on June 30, 2025,  
 1252 shall revert and is appropriated to the department for Fiscal  
 1253 Year 2025-2026 for the same purposes.

1254 (4) The Department of Agriculture and Consumer Services is  
 1255 authorized to establish 84.00 full-time equivalent positions  
 1256 with associated salary rate of 5,064,250 in the Agricultural Law  
 1257 Enforcement budget entity to expand law enforcement coverage of  
 1258 interdiction stations and improve border security. The following  
 1259 specific positions, classifications, and pay plans are  
 1260 authorized: one Law Enforcement Major, class code 8630, pay plan  
 1261 08; one Law Enforcement Captain, class code 8632, pay plan 08;  
 1262 eight Law Enforcement Lieutenants, class code 8522, pay plan 01;  
 1263 47 Law Enforcement Officers, class code 8515, pay plan 01; 21  
 1264 Law Enforcement Investigator I, class code 8540, pay plan 01;  
 1265 two Administrative Assistant III, class code 0714, pay plan 01;

1266 one senior attorney, class code 7738, pay plan 08; one Crime  
1267 Intelligence Analyst I, class code 8433, pay plan 01; one Human  
1268 Resource Specialist/HR-SES, class code 0190, pay plan 08; and  
1269 one Purchasing Analyst, class code 0830, pay plan 01.

1270 **Section 32.** The Division of Law Revision is directed to  
1271 replace the phrase "the effective date of this act" wherever it  
1272 occurs in this act with the date this act becomes a law.

1273 **Section 33.** Except as otherwise provided in this act, this  
1274 act shall take effect upon becoming a law.