

By Senator Gruters

22-00003-25C

20252C__

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

22-00003-25C

20252C__

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;

22-00003-25C

20252C__

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

22-00003-25C

20252C__

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 to
116 read:

22-00003-25C

20252C__

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 or
 121 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,

22-00003-25C

20252C__

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 to
174 read:

22-00003-25C

20252C__

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 issued
184 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)~~(3)~~ The department, to facilitate the enforcement of
203 this section and to aid in providing notice to the public and

22-00003-25C

20252C__

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 States
227 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 United
231 States Department of State;

232 7. An unexpired employment authorization card issued by the

22-00003-25C

20252C__

233 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 scheduling
243 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

22-00003-25C

20252C__

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."

22-00003-25C

20252C__

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 violation
319 with a penalty as provided in s. 318.18(2).

22-00003-25C

20252C__

320 ~~(5)~~~~(4)~~ Notwithstanding any other provision of this chapter,
321 if a licensee established his or her identity for a driver
322 license using an identification document authorized under s.
323 322.08(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; legislative
329 intent; definitions; mandatory minimum prison terms.-

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

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

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

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

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

22-00003-25C

20252C__

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

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

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

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

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

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

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

367 775.0848 Offenses committed by an unauthorized alien
368 ~~Commission of a felony after unlawful reentry into the United~~
369 ~~States; reclassification.—The penalty for any misdemeanor or A~~
370 ~~person who has been previously convicted of a crime relating to~~
371 ~~the reentry of removed aliens under 8 U.S.C. s. 1326 shall have~~
372 ~~the penalty for committing a felony~~ committed by an unauthorized
373 alien as defined in s. 908.111 shall be committed after such
374 ~~conviction~~ reclassified in the following manner:

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

377 (2) A misdemeanor of the first degree is reclassified to a

22-00003-25C

20252C__

378 felony of the third degree.

379 ~~(3)(1)~~ A felony of the third degree is reclassified to a
380 felony of the second degree.

381 ~~(4)(2)~~ A felony of the second degree is reclassified to a
382 felony of the first degree.

383 ~~(5)(3)~~ A felony of the first degree is reclassified to a
384 life felony.

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

388 874.03 Definitions.—As used in this chapter:

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

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

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

405 (8) "Transnational crime organization" means any group,
406 network, or association of persons, at least one of which is an

22-00003-25C

20252C__

407 unauthorized alien as defined in s. 908.111, that routinely
408 facilitates the international trafficking of drugs, humans, or
409 weapons or the international smuggling of humans.

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

412 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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

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

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

421 ~~2.1.~~ Section 210.18, relating to evasion of payment of
422 cigarette taxes.

423 ~~3.2.~~ Section 316.1935, relating to fleeing or attempting to
424 elude a law enforcement officer and aggravated fleeing or
425 eluding.

426 ~~4.3.~~ Chapter 379, relating to the illegal sale, purchase,
427 collection, harvest, capture, or possession of wild animal life,
428 freshwater aquatic life, or marine life, and related crimes.

429 ~~5.4.~~ Section 403.727(3)(b), relating to environmental
430 control.

431 ~~6.5.~~ Section 409.920 or s. 409.9201, relating to Medicaid
432 fraud.

433 ~~7.6.~~ Section 414.39, relating to public assistance fraud.

434 ~~8.7.~~ Section 440.105 or s. 440.106, relating to workers'
435 compensation.

22-00003-25C

20252C__

436 ~~9.8.~~ Section 443.071(4), relating to creation of a
437 fictitious employer scheme to commit reemployment assistance
438 fraud.

439 ~~10.9.~~ Section 465.0161, relating to distribution of
440 medicinal drugs without a permit as an Internet pharmacy.

441 ~~11.10.~~ Section 499.0051, relating to crimes involving
442 contraband, adulterated, or misbranded drugs.

443 ~~12.11.~~ Part IV of chapter 501, relating to telemarketing.

444 ~~13.12.~~ Chapter 517, relating to sale of securities and
445 investor protection.

446 ~~14.13.~~ Section 550.235 or s. 550.3551, relating to
447 dogracing and horseracing.

448 ~~15.14.~~ Chapter 550, relating to jai alai frontons.

449 ~~16.15.~~ Section 551.109, relating to slot machine gaming.

450 ~~17.16.~~ Chapter 552, relating to the manufacture,
451 distribution, and use of explosives.

452 ~~18.17.~~ Chapter 560, relating to money transmitters, if the
453 violation is punishable as a felony.

454 ~~19.18.~~ Chapter 562, relating to beverage law enforcement.

455 ~~20.19.~~ Section 624.401, relating to transacting insurance
456 without a certificate of authority, s. 624.437(4)(c)1., relating
457 to operating an unauthorized multiple-employer welfare
458 arrangement, or s. 626.902(1)(b), relating to representing or
459 aiding an unauthorized insurer.

460 ~~21.20.~~ Section 655.50, relating to reports of currency
461 transactions, when such violation is punishable as a felony.

462 ~~22.21.~~ Chapter 687, relating to interest and usurious
463 practices.

464 ~~23.22.~~ Section 721.08, s. 721.09, or s. 721.13, relating to

22-00003-25C

20252C__

465 real estate timeshare plans.

466 ~~24.23.~~ Section 775.13(5)(b), relating to registration of
467 persons found to have committed any offense for the purpose of
468 benefiting, promoting, or furthering the interests of a criminal
469 gang.

470 ~~25.24.~~ Section 777.03, relating to commission of crimes by
471 accessories after the fact.

472 ~~26.25.~~ Chapter 782, relating to homicide.

473 ~~27.26.~~ Chapter 784, relating to assault and battery.

474 ~~28.27.~~ Chapter 787, relating to kidnapping, human
475 smuggling, or human trafficking.

476 ~~29.28.~~ Chapter 790, relating to weapons and firearms.

477 ~~30.29.~~ Chapter 794, relating to sexual battery, but only if
478 such crime was committed with the intent to benefit, promote, or
479 further the interests of a criminal gang, or for the purpose of
480 increasing a criminal gang member's own standing or position
481 within a criminal gang.

482 ~~31.30.~~ Former s. 796.03, former s. 796.035, s. 796.04, s.
483 796.05, or s. 796.07, relating to prostitution.

484 ~~32.31.~~ Chapter 806, relating to arson and criminal
485 mischief.

486 ~~33.32.~~ Chapter 810, relating to burglary and trespass.

487 ~~34.33.~~ Chapter 812, relating to theft, robbery, and related
488 crimes.

489 ~~35.34.~~ Chapter 815, relating to computer-related crimes.

490 ~~36.35.~~ Chapter 817, relating to fraudulent practices, false
491 pretenses, fraud generally, credit card crimes, and patient
492 brokering.

493 ~~37.36.~~ Chapter 825, relating to abuse, neglect, or

22-00003-25C

20252C__

494 exploitation of an elderly person or disabled adult.
495 ~~38.37.~~ Section 827.071, relating to commercial sexual
496 exploitation of children.
497 ~~39.38.~~ Section 828.122, relating to fighting or baiting
498 animals.
499 ~~40.39.~~ Chapter 831, relating to forgery and counterfeiting.
500 ~~41.40.~~ Chapter 832, relating to issuance of worthless
501 checks and drafts.
502 ~~42.41.~~ Section 836.05, relating to extortion.
503 ~~43.42.~~ Chapter 837, relating to perjury.
504 ~~44.43.~~ Chapter 838, relating to bribery and misuse of
505 public office.
506 ~~45.44.~~ Chapter 843, relating to obstruction of justice.
507 ~~46.45.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
508 or s. 847.07, relating to obscene literature and profanity.
509 ~~47.46.~~ Chapter 849, relating to gambling, lottery, gambling
510 or gaming devices, slot machines, or any of the provisions
511 within that chapter.
512 ~~48.47.~~ Chapter 874, relating to criminal gangs.
513 ~~49.48.~~ Chapter 893, relating to drug abuse prevention and
514 control.
515 ~~50.49.~~ Chapter 896, relating to offenses related to
516 financial transactions.
517 ~~51.50.~~ Sections 914.22 and 914.23, relating to tampering
518 with or harassing a witness, victim, or informant, and
519 retaliation against a witness, victim, or informant.
520 ~~52.51.~~ Sections 918.12 and 918.13, relating to tampering
521 with jurors and evidence.
522 Section 13. Paragraph (c) of subsection (2) of section

22-00003-25C

20252C__

523 903.046, Florida Statutes, is amended to read:

524 903.046 Purpose of and criteria for bail determination.—

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

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

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

535 907.041 Pretrial detention and release.—

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

551 (3) RELEASE ON NONMONETARY CONDITIONS.—

22-00003-25C

20252C__

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

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

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

572 2. The accused's record of convictions, of appearances at
573 court proceedings, of flight to avoid prosecution, or of failure
574 to appear at court proceedings; and

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

578 (5) PRETRIAL DETENTION.—

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

22-00003-25C

20252C__

- 581 1. Arson;
- 582 2. Aggravated assault;
- 583 3. Aggravated battery;
- 584 4. Illegal use of explosives;
- 585 5. Child abuse or aggravated child abuse;
- 586 6. Abuse of an elderly person or disabled adult, or
- 587 aggravated abuse of an elderly person or disabled adult;
- 588 7. Aircraft piracy;
- 589 8. Kidnapping;
- 590 9. Homicide;
- 591 10. Manslaughter, including DUI manslaughter and BUI
- 592 manslaughter;
- 593 11. Sexual battery;
- 594 12. Robbery;
- 595 13. Carjacking;
- 596 14. Lewd, lascivious, or indecent assault or act upon or in
- 597 presence of a child under the age of 16 years;
- 598 15. Sexual activity with a child, who is 12 years of age or
- 599 older but less than 18 years of age, by or at solicitation of
- 600 person in familial or custodial authority;
- 601 16. Burglary of a dwelling;
- 602 17. Stalking and aggravated stalking;
- 603 18. Act of domestic violence as defined in s. 741.28;
- 604 19. Home invasion robbery;
- 605 20. Act of terrorism as defined in s. 775.30;
- 606 21. Manufacturing any substances in violation of chapter
- 607 893;
- 608 22. Attempting or conspiring to commit any such crime;
- 609 23. Human trafficking;

22-00003-25C

20252C__

610 24. Trafficking in any controlled substance described in s.
611 893.135(1)(c)4.;

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

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

614 (e) When a person charged with a crime for which pretrial
615 detention could be ordered is arrested, the arresting agency
616 shall promptly notify the state attorney of the arrest and shall
617 provide the state attorney with such information as the
618 arresting agency has obtained relative to:

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

620 2. The nature of any physical evidence seized and the
621 contents of any statements obtained from the defendant or any
622 witness;

623 3. The defendant's family ties, residence, employment,
624 immigration status, financial condition, and mental condition;
625 and

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

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

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

631 2. "Unauthorized alien" has the same meaning as in s.
632 908.111.

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

636 (c) If, at the first appearance hearing, the court
637 determines there is probable cause to believe the defendant
638 committed a forcible felony and further determines by a

22-00003-25C

20252C__

639 preponderance of the evidence that the defendant is an
640 unauthorized alien, the court shall presume that the defendant
641 presents a substantial flight risk and that no conditions of
642 release will ensure his or her appearance at trial and shall
643 order pretrial detention. The defendant may rebut the
644 presumption by demonstrating, by a preponderance of the
645 evidence, that appropriate conditions of release will ensure his
646 or her appearance at trial. If the court determines the
647 defendant has rebutted the presumption, it must consider the
648 criteria in s. 903.046, and any other relevant facts, to
649 determine whether to release the defendant on bail or other
650 conditions.

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

658 Section 15. Paragraphs (e) and (f) of subsection (6) of
659 section 908.102, Florida Statutes, are amended, and paragraphs
660 (g) and (h) are added to that subsection, to read:

661 908.102 Definitions.—As used in this chapter, the term:

662 (6) "Sanctuary policy" means a law, policy, practice,
663 procedure, or custom adopted or allowed by a state entity or
664 local governmental entity which prohibits or impedes a law
665 enforcement agency from complying with 8 U.S.C. s. 1373 or which
666 prohibits or impedes a law enforcement agency from communicating
667 or cooperating with a federal immigration agency so as to limit

22-00003-25C

20252C__

668 such law enforcement agency in, or prohibit the agency from:

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

671 (f) Providing information to a state entity on the
672 immigration status of an inmate or detainee in the custody of
673 the law enforcement agency;~~-~~

674 (g) Executing a lawful judicial warrant; or

675 (h) Participating in a federal immigration operation with a
676 federal immigration agency as permitted by federal and state
677 law.

678 Section 16. Section 908.1031, Florida Statutes, is created
679 to read:

680 908.1031 State Board of Immigration Enforcement; creation;
681 purpose and duties.-

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

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

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

694 (a) Serve as a resource for the United States Immigration
695 and Customs Enforcement.

696 (b) Coordinate and cooperate with the Federal Government in

22-00003-25C

20252C__

697 the enforcement of federal immigration laws and other matters
698 related to the enforcement of federal immigration laws.

699 (c) Coordinate with and provide assistance to law
700 enforcement agencies in the enforcement of federal immigration
701 laws and other matters related to the enforcement of federal
702 immigration laws, and monitor local government compliance with
703 the requirements of this chapter.

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

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

- 718 1. State entities.
- 719 2. Local governmental entities.
- 720 3. Law enforcement agencies.

721 (f) Actively seek Congressional action to amend the
722 National Crime Prevention and Privacy Compact to require states
723 that are a party to the compact to share information relating to
724 a person's immigration status for criminal justice purposes and
725 to require that such information be fully shared with all

22-00003-25C

20252C__

726 federal agencies having authority over immigration enforcement.

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

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

738 (5) The Department of Law Enforcement must provide
739 administrative support to the State Board of Immigration
740 Enforcement.

741 Section 17. Section 908.1032, Florida Statutes, is created
742 to read:

743 908.1032 State Immigration Enforcement Council.—The State
744 Immigration Enforcement Council, an advisory council as defined
745 in s. 20.03, is created within the State Board of Immigration
746 Enforcement for the purpose of advising the board.

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

754 (2) (a) Members shall be appointed to terms of 4 years. Any

22-00003-25C

20252C__

755 vacancy shall be filled within 2 weeks after such a vacancy by
756 appointment by the original appointing authority for the
757 unexpired portion of the term. For the purpose of providing
758 staggered terms, the initial appointments by the Cabinet shall
759 be for a term of 2 years.

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

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

770 (3) The first meeting of the council shall be held no later
771 than April 1, 2025. Thereafter, the council must meet quarterly.
772 Additional meetings may be held at the discretion of the chair.
773 A majority of members of the council constitute a quorum.
774 Council meetings may be conducted by teleconference or other
775 electronic means.

776 (4) The council shall:

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

780 (b) Recommend to the board program participation expenses
781 related to 287(g) of the Immigration and Nationality Act, 8
782 U.S.C. s. 1357, which should be reimbursable under the Local Law
783 Enforcement Immigration Grant Program established in s. 908.1033

22-00003-25C

20252C__

784 and funding criteria for the program.

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

792 (d) Advise the board on the efforts of local law
793 enforcement agencies related to the enforcement of federal
794 immigration laws within the state.

795 (e) Provide recommendations on the financial resources
796 necessary to aid local law enforcement agencies, and any other
797 resources necessary to facilitate the training of such agencies,
798 in the cooperation and coordination with the Federal Government
799 in the enforcement of federal immigration laws.

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

807 1. The Federal Bureau of Investigation's Terrorist
808 Screening Center.

809 2. The United States Customs and Border Protection's
810 National Targeting Center.

811 3. The United States Department of Homeland Security Fusion
812 Centers.

22-00003-25C

20252C__

813 4. The United States Drug Enforcement Administration's
814 Special Operations Unit.

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

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

821 (5) The Department of Law Enforcement must provide
822 administrative support to the State Immigration Enforcement
823 Council.

824 Section 18. Section 908.1033, Florida Statutes, is created
825 to read:

826 908.1033 Local Law Enforcement Immigration Grant Program.-

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

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

22-00003-25C

20252C__

- 842 (a) Subletting detention beds to the United States
843 Immigration and Customs Enforcement.
- 844 (b) Equipment, travel, and lodging related to 287(g) of the
845 Immigration and Nationality Act, 8 U.S.C. s. 1357, program.
- 846 (c) Training programs, including certified apprenticeship
847 programs, related to supporting the enforcement of federal
848 immigration laws.
- 849 (d) Hardware or software essential to assisting the Federal
850 Government in its enforcement of federal immigration laws.
- 851 (3) (a) A local law enforcement agency may apply to the
852 State Board of Immigration Enforcement to provide bonus payments
853 for the agency's local law enforcement officers who participate
854 in United States Department of Homeland Security at-large task
855 force operations. The local law enforcement agency may apply for
856 a bonus of up to \$1,000 for each local law enforcement officer
857 employed within that agency. The local law enforcement agency
858 must certify to the board that the local law enforcement officer
859 participated in one or more operations and provide any
860 information required by the board. Eligible participation does
861 not include operations occurring solely at state correctional
862 facilities or county detention facilities.
- 863 (b) The bonus payment shall be adjusted to include 7.65
864 percent for the officers' share of Federal Insurance
865 Contribution Act tax on the bonus.
- 866 (4) (a) Grants shall be awarded on a first-come, first-
867 served basis based on the date the State Board of Immigration
868 Enforcement received each completed application. The board shall
869 establish application procedures and eligibility requirements to
870 request reimbursement of eligible expenses or to provide bonus

22-00003-25C

20252C__

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

873 (b) Upon receiving a submitted application, the executive
874 director of the board shall review the application to ensure
875 that it is complete. At least quarterly, the executive director
876 shall complete the review and make a recommendation to the board
877 for approval or denial of the application.

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

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

895 (6) Local law enforcement agencies shall assist the State
896 Board of Immigration Enforcement with the collection of any data
897 necessary to determine bonus payment amounts and to distribute
898 the bonus payments and shall otherwise provide the board with
899 any information or assistance needed to fulfill the requirements

22-00003-25C

20252C__

900 of this section.

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

910 Section 19. Subsections (3), (4), and (5) through (8) of
911 section 908.104, Florida Statutes, are renumbered as subsections
912 (4), (5), and (7) through (10), respectively, subsection (1) and
913 present subsections (5), (6), and (8) are amended, and new
914 subsections (3) and (6) are added to that section, to read:

915 908.104 Cooperation with federal immigration authorities.—

916 (1) Consistent with all duties created in state and federal
917 law, state and local law enforcement agencies and any official
918 responsible for directing or supervising such ~~A law enforcement~~
919 agency shall use best efforts to support the enforcement of
920 federal immigration law. This subsection applies to an official,
921 representative, agent, or employee of the entity or agency only
922 when he or she is acting within the scope of his or her official
923 duties or within the scope of his or her employment.

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

928 (6) Upon request from a federal immigration agency, a

22-00003-25C

20252C__

929 sheriff or chief correctional officer operating a county
 930 detention facility must provide the requesting federal
 931 immigration agency a list of all inmates booked into a county
 932 detention facility and any information regarding each inmate's
 933 immigration status.

934 (7)~~(5)~~ This section does not require a state entity, local
 935 governmental entity, or law enforcement agency to provide a
 936 federal immigration agency with information related to a victim
 937 of or a witness to a criminal offense if:

938 (a) The victim or witness is necessary to the investigation
 939 or prosecution of a crime, and such crime occurred in the United
 940 States; and

941 (b) The victim or witness timely and in good faith responds
 942 to the entity's or agency's request for information and
 943 cooperates ~~cooperation~~ in the investigation or prosecution of
 944 such ~~the~~ offense.

945 (8)~~(6)~~ A state entity, local governmental entity, or law
 946 enforcement agency that, pursuant to subsection (7) ~~(5)~~,
 947 withholds information regarding the immigration information of a
 948 victim of or witness to a criminal offense shall document the
 949 victim's or witness's cooperation in the entity's or agency's
 950 investigative records related to the offense and shall retain
 951 the records for at least 10 years for the purpose of audit,
 952 verification, or inspection by the Auditor General.

953 (10)~~(8)~~ This section does not apply to any alien unlawfully
 954 present in the United States if he or she is or has been a
 955 necessary witness or victim of a crime of domestic violence,
 956 rape, sexual exploitation, sexual assault, murder, manslaughter,
 957 assault, battery, human trafficking, kidnapping, false

22-00003-25C

20252C__

958 imprisonment, involuntary servitude, fraud in foreign labor
959 contracting, blackmail, extortion, or witness tampering,
960 provided that such crime was committed in the United States.
961 Documentation, including, but not limited to, police reports,
962 testimony, sworn statements, or a victim impact statement, must
963 be relied upon to verify that the person was a necessary witness
964 or victim to the crime.

965 Section 20. Paragraph (d) is added to subsection (1) of
966 section 908.105, Florida Statutes, and subsection (4) is added
967 to that section, to read:

968 908.105 Duties related to immigration detainers.-

969 (1) A law enforcement agency that has custody of a person
970 subject to an immigration detainer issued by a federal
971 immigration agency shall:

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

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

22-00003-25C

20252C__

987 good faith or upon advice of counsel.

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

993 (c) Except as required by applicable law, public funds may
994 not be used to defend or reimburse the unlawful conduct of any
995 person found to have knowingly and willfully violated this
996 subsection.

997 Section 21. Subsection (1) of section 908.107, Florida
998 Statutes, is amended to read:

999 908.107 Enforcement.—

1000 (1) Any executive or administrative state, county, or
1001 municipal officer who violates his or her duties under this
1002 chapter may be subject to action by the Governor, including
1003 potential suspension from office, in the exercise of his or her
1004 authority under the State Constitution and state law. Pursuant
1005 to s. 1(b), Art. IV of the State Constitution, the Governor may
1006 initiate judicial proceedings in the name of the state against
1007 such officers to enforce compliance with any duty under this
1008 chapter or restrain any unauthorized act contrary to this
1009 chapter.

1010 Section 22. Section 908.11, Florida Statutes, is amended to
1011 read:

1012 908.11 Immigration enforcement assistance agreements;
1013 reporting requirement.—

1014 (1) The sheriff or the chief correctional officer ~~By~~
1015 ~~January 1, 2023, each law enforcement agency~~ operating a county

22-00003-25C

20252C__

1016 detention facility must enter into a written agreement with the
 1017 United States Immigration and Customs Enforcement to participate
 1018 in the immigration program established under s. 287(g) of the
 1019 Immigration and Nationality Act, 8 U.S.C. s. 1357. The State
 1020 Board of Immigration Enforcement must approve the termination of
 1021 any such agreement. This subsection does not require a sheriff
 1022 or chief correctional officer operating a county detention
 1023 facility law enforcement agency to participate in a particular
 1024 program model.

1025 (2) Beginning no later than April 1, 2025 ~~October 1, 2022,~~
 1026 and until the sheriff or chief correctional officer operating a
 1027 county detention facility law enforcement agency enters into the
 1028 written agreement required under subsection (1), each sheriff or
 1029 chief correctional officer law enforcement agency operating a
 1030 county detention facility must notify the State Board of
 1031 Immigration Enforcement Department of Law Enforcement quarterly
 1032 of the status of such written agreement and any reason for
 1033 noncompliance with this section, if applicable.

1034 Section 23. Section 908.13, Florida Statutes, is created to
 1035 read:

1036 908.13 Unauthorized Alien Transport Program.-

1037 (1) As used in this section, the term "unauthorized alien"
 1038 has the same meaning as in s. 908.111.

1039 (2) The Unauthorized Alien Transport Program is created
 1040 within the Division of Emergency Management within the Executive
 1041 Office of the Governor for the purpose of facilitating the
 1042 transport of unauthorized aliens, consistent with federal law.
 1043 In order for the division to provide such transport, all of the
 1044 following requirements must be met:

22-00003-25C

20252C__

1045 (a) The United States Immigration and Customs Enforcement
 1046 must specifically request assistance from the division with the
 1047 transport of unauthorized aliens pursuant to specific federal
 1048 legal authority.

1049 (b) The United States Immigration and Customs Enforcement
 1050 must reimburse the state for the actual cost of assisting with
 1051 the transport of unauthorized aliens.

1052 (c) The transport must occur under the direct control and
 1053 supervision of the United States Immigration and Customs
 1054 Enforcement.

1055 (3) The section is repealed June 30, 2027.

1056 Section 24. Paragraph (d) of subsection (3) of section
 1057 921.0022, Florida Statutes, is amended to read:

1058 921.0022 Criminal Punishment Code; offense severity ranking
 1059 chart.—

1060 (3) OFFENSE SEVERITY RANKING CHART

1061 (d) LEVEL 4

1062

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Florida Statute	Felony Degree	Description
<u>104.155</u>	<u>3rd</u>	<u>Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.</u>
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to

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22-00003-25C

20252C__

			elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1066	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
1067	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1068	517.07 (1)	3rd	Failure to register securities.
1069	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
1070	784.031	3rd	Battery by strangulation.
1071	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
1072	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1073	784.075	3rd	Battery on detention or commitment facility staff.

22-00003-25C

20252C__

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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.
794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.

22-00003-25C

20252C__

1091	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1092	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1093	810.06	3rd	Burglary; possession of tools.
1094	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1095	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
1096	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1097	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.

22-00003-25C

20252C__

1098	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.
1099	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1100	817.505 (4) (a)	3rd	Patient brokering.
1101	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
1102	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1103	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
1104	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
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22-00003-25C

20252C__

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817.625 (2) (c)

3rd

Possess, sell, or deliver
skimming device.

828.125 (1)

2nd

Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

836.14 (2)

3rd

Person who commits theft of a
sexually explicit image with
intent to promote it.

836.14 (3)

3rd

Person who willfully possesses
a sexually explicit image with
certain knowledge, intent, and
purpose.

837.02 (1)

3rd

Perjury in official
proceedings.

837.021 (1)

3rd

Make contradictory statements
in official proceedings.

838.022

3rd

Official misconduct.

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care and
custody of a state agency.

22-00003-25C

20252C__

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839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
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 estreatment 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.

22-00003-25C

20252C__

1122	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1123	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).
1124	914.14 (2)	3rd	Witnesses accepting bribes.
1125	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1126	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1127	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1128	918.12	3rd	Tampering with jurors.
1129	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
	944.47 (1) (a) 6.	3rd	Introduction of contraband

22-00003-25C

20252C__

(cellular telephone or other portable communication device) into correctional institution.

1130

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.

1131

1132 Section 25. Effective July 1, 2025, paragraph (a) of
1133 subsection (12) of section 1009.26, Florida Statutes, is amended
1134 to read:

1135 1009.26 Fee waivers.—

1136 (12) (a) A state university, a Florida College System
1137 institution, a career center operated by a school district under
1138 s. 1001.44, or a charter technical career center shall waive
1139 out-of-state fees for students who are citizens of the United
1140 States or lawfully present in the United States, ~~including, but~~
1141 ~~not limited to, students who are undocumented for federal~~
1142 ~~immigration purposes,~~ who meet the following conditions:

1143 1. Attended a secondary school in this state for 3
1144 consecutive years immediately before graduating from a high
1145 school in this state;

1146 2. Apply for enrollment in an institution of higher
1147 education within 24 months after high school graduation; and

1148 3. Submit an official Florida high school transcript as
1149 evidence of attendance and graduation.

22-00003-25C

20252C__

1150 Section 26. Students receiving a fee waiver pursuant to s.
1151 1009.26(12), Florida Statutes, must be reevaluated for
1152 eligibility beginning July 1, 2025.

1153 Section 27. Section 1 of chapter 2023-3, Laws of Florida,
1154 is repealed.

1155 Section 28. (1) The State Board of Immigration Enforcement
1156 within the Department of Law Enforcement is authorized, and all
1157 conditions are deemed met, to adopt emergency rules pursuant to
1158 s. 120.54(4), Florida Statutes, for the purpose of implementing
1159 provisions related to the Local Law Enforcement Immigration
1160 Grant Program created by this act. Notwithstanding any other
1161 law, emergency rules adopted pursuant to this subsection are
1162 effective for 6 months after adoption and may be renewed during
1163 the pendency of procedures to adopt permanent rules addressing
1164 the subject of the emergency rules.

1165 (2) This section expires July 1, 2026.

1166 Section 29. The Legislature finds that the state's criminal
1167 justice training centers as well as facilities of the Department
1168 of Military Affairs, such as the Camp Blanding Joint Training
1169 Center, are highly qualified and critical strategic, year-round
1170 assets for training. The Legislature has made significant
1171 investments to make the Camp Blanding Joint Training Center the
1172 premier facility in the Southeast. In order to support the
1173 anticipated training and operations involving multiple federal,
1174 state, and local agencies, and given the scale and value of this
1175 state's assets, the Department of Military Affairs and local law
1176 enforcement shall work with the State Board of Immigration
1177 Enforcement within the Department of Law Enforcement to ensure
1178 that the state's federal partners can access and use the state's

22-00003-25C

20252C__

1179 physical assets in order to further the nation's mission to
1180 address illegal immigration. Such activities include outreach to
1181 federal partners as well as entering into agreements for the use
1182 of such facilities.

1183 Section 30. (1) For the 2024-2025 fiscal year, the sums of
1184 \$680,046 in recurring funds and \$250,026,781 in nonrecurring
1185 funds are appropriated from the General Revenue Fund to the
1186 State Board of Immigration Enforcement within the Department of
1187 Law Enforcement to implement this act.

1188 (2) From the recurring general revenue funds, \$680,046
1189 shall be allocated to the State Board of Immigration Enforcement
1190 budget entity in specific appropriations categories: \$478,235 in
1191 Salaries and Benefits, \$30,053 in Expenses, \$150,000 in
1192 Contracted Services, \$10,000 in Operating Capital Outlay,
1193 \$10,000 in Lease/Purchase of Equipment, and \$1,758 in Transfer
1194 to the Department of Management Services/Statewide Human
1195 Resources Contract. These funds shall be released immediately
1196 upon this act becoming a law.

1197 (3) From the nonrecurring general revenue funds, \$26,781
1198 shall be allocated to the State Board of Immigration Enforcement
1199 budget entity in the Expenses category. These funds shall be
1200 released immediately upon this act becoming a law.

1201 (4) The Department of Law Enforcement is authorized to
1202 establish 5.00 full-time equivalent positions with associated
1203 salary rate of 325,928 in the State Board of Immigration
1204 Enforcement budget entity for the purpose of implementing this
1205 act. The following specific positions, classifications, and pay
1206 plans are authorized: one Executive Director, class code 9900,
1207 pay plan 09; one Senior Management Analyst Supervisor-SES, class

22-00003-25C

20252C__

1208 code 2228, pay plan 08; two Governmental Analyst II, class code
1209 2225, pay plan 01; and one Administrative Assistant II, class
1210 code 0712, pay plan 01.

1211 (5) From the nonrecurring general revenue funds,
1212 \$250,000,000 shall be allocated to specific appropriation
1213 special category Local Law Enforcement Immigration Grant Program
1214 in the State Board of Immigration Enforcement budget entity to
1215 implement the Local Law Enforcement Immigration Grant Program.
1216 The funds shall be released as provided in s. 908.1033, Florida
1217 Statutes, created by this act. The unexpended balance of
1218 nonrecurring funds remaining on June 30, 2025, shall revert and
1219 is appropriated to the department for Fiscal Year 2025-2026 for
1220 the same purposes.

1221 Section 31. (1) For the 2024-2025 fiscal year, the sums of
1222 \$12,553,547 in recurring funds and \$35,570,178 in nonrecurring
1223 funds are appropriated from the General Revenue Fund to the
1224 Department of Agriculture and Consumer Services to enhance
1225 interdiction activities and protect the borders of this state.

1226 (2) (a) From the recurring general revenue funds, the sum of
1227 \$12,553,547 shall be allocated to the Agricultural Law
1228 Enforcement budget entity in specific appropriations categories:
1229 \$8,574,036 in Salaries and Benefits, \$3,449,999 in Expenses,
1230 \$500,000 in Contracted Services, and \$29,512 in Transfer to the
1231 Department of Management Services/Statewide Human Resources
1232 Contract.

1233 (b) These funds shall be released immediately upon this act
1234 becoming a law.

1235 (3) (a) From the nonrecurring general revenue funds, the sum
1236 of \$35,570,178 shall be allocated to the Agricultural Law

22-00003-25C

20252C__

1237 Enforcement budget entity in specific appropriations categories:
1238 \$327,754 in Operating Capital Outlay, \$25,000,000 in Fixed
1239 Capital Outlay - Facilities Construction and Major Renovations,
1240 \$10,029,160 in Acquisition of Motor Vehicles, and \$213,264 in
1241 Acquisition of Boats, Motors, and Trailers.

1242 (b) These funds shall be released immediately upon this act
1243 becoming a law. The unexpended balance of nonrecurring general
1244 revenue funds appropriated to the Department of Agriculture and
1245 Consumer Services remaining on June 30, 2025, shall revert and
1246 is appropriated to the department for Fiscal Year 2025-2026 for
1247 the same purposes.

1248 (4) The Department of Agriculture and Consumer Services is
1249 authorized to establish 84.00 full-time equivalent positions
1250 with associated salary rate of 5,064,250 in the Agricultural Law
1251 Enforcement budget entity to expand law enforcement coverage of
1252 interdiction stations and improve border security. The following
1253 specific positions, classifications, and pay plans are
1254 authorized: one Law Enforcement Major, class code 8630, pay plan
1255 08; one Law Enforcement Captain, class code 8632, pay plan 08;
1256 eight Law Enforcement Lieutenants, class code 8522, pay plan 01;
1257 47 Law Enforcement Officers, class code 8515, pay plan 01; 21
1258 Law Enforcement Investigator I, class code 8540, pay plan 01;
1259 two Administrative Assistant III, class code 0714, pay plan 01;
1260 one senior attorney, class code 7738, pay plan 08; one Crime
1261 Intelligence Analyst I, class code 8433, pay plan 01; one Human
1262 Resource Specialist/HR-SES, class code 0190, pay plan 08; and
1263 one Purchasing Analyst, class code 0830, pay plan 01.

1264 Section 32. The Division of Law Revision is directed to
1265 replace the phrase "the effective date of this act" wherever it

22-00003-25C

20252C__

1266 occurs in this act with the date this act becomes a law.

1267 Section 33. Except as otherwise provided in this act, this

1268 act shall take effect upon becoming a law.