

Committee on Rules

CS/CS/SB 1718 — Immigration

by Fiscal Policy Committee; Rules Committee; and Senator Ingoglia

The bill (Chapter 2023-40, L.O.F.) amends various Florida statutes to address provisions related to individuals in this state who may be unauthorized aliens. Specifically the bill:

- Amends the crime of human smuggling to provide that a person commits a third degree felony when he or she knowingly and willfully transports into this state an individual whom the person knows or reasonably should know has entered the United States in violation of the law and has not been inspected by the Federal Government since his or her unlawful entry from another country;
- Enhances the crime of human smuggling when smuggling a minor, more than five people, or when the defendant has a prior conviction for human smuggling;
- Adds the crime of human smuggling to the list of crimes that allow for prosecution under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act;
- Allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency;
- Amends the state's domestic security statutes to provide the necessary authority for the Florida Department of Law Enforcement to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, and responses to immigration enforcement incidents within or affecting Florida;
- Beginning July 1, 2023, requires private employers with 25 or more employees to use the E-Verify system for new employees (the bill retains the current law requirements for public employers and contractors and subcontractors thereof to use the E-Verify system);
- Alters the defenses for employers using the I-9 Form or E-Verify system; and, beginning July 1, 2024, amends the penalties for an employer's noncompliance to register and use the E-Verify system, including imposing a daily fine of \$1,000 and allowing for the suspension of employer licenses after multiple findings of noncompliance;
- Creates penalties for employers who knowingly employ unauthorized aliens, effective July 1, 2024, including quarterly reporting and the suspension or revocation of employer licenses in certain circumstances;
- Creates a third degree felony for an unauthorized alien to knowingly use a false identification document or who fraudulently uses an identification document of another person, to obtain employment;
- Prohibits a county or municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or other document to an individual who does not provide proof of lawful presence in the United States;
- Prohibits a person from operating a motor vehicle if his or her driver's license is issued by another state which exclusively provides such a license to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued;
- Provides that certain existing exemptions from obtaining a Florida driver license for nonresidents do not apply for undocumented immigrants;

- Repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions are met effective November 1, 2028;
- Requires a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility;
- Requires any hospital that accepts Medicaid to include a question on its admission or registration forms inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States;
- Requires each hospital to provide a quarterly report to the Agency for Health Care Administration, detailing the number of emergency department visits or hospital admissions by patients who responded to the above question in each category; and
- Appropriates a nonrecurring sum of \$12 million from the General Revenue Fund to the Division of Emergency Management for the 2023-2024 fiscal year for the Unauthorized Alien Transport Program created in ch. 2023-3, L.O.F.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except where otherwise provided.

Vote: Senate 27-10; House 83-36