

By Senator Ingoglia

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1                                   A bill to be entitled  
2           An act relating to immigration; creating ss. 125.0156  
3           and 166.246, F.S.; prohibiting counties and  
4           municipalities, respectively, from providing funds to  
5           any person, entity, or organization to issue  
6           identification documents to an individual who does not  
7           provide proof of lawful presence in the United States;  
8           creating s. 322.033, F.S.; specifying that certain  
9           driver licenses and permits issued by other states  
10          exclusively to unauthorized immigrants are not valid  
11          in this state; requiring law enforcement officers and  
12          authorized representatives of the Department of  
13          Highway Safety and Motor Vehicles to cite a person  
14          driving with a specified invalid license; requiring  
15          the department to maintain a list on its website of  
16          out-of-state classes of driver licenses that are  
17          invalid in this state; amending s. 322.04, F.S.;  
18          revising the circumstances under which certain persons  
19          are exempt from obtaining a driver license; creating  
20          s. 395.3027, F.S.; requiring certain hospitals to  
21          collect patient immigration status data information on  
22          admission or registration forms; requiring hospitals  
23          to submit quarterly reports to the Agency for Health  
24          Care Administration containing specified information;  
25          requiring the agency to submit an annual report to the  
26          Governor and the Legislature containing specified  
27          information; authorizing the agency to adopt rules;  
28          prohibiting rules requiring the disclosure of patient  
29          names to the agency; amending s. 448.09, F.S.;

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30 increasing the maximum fine that may be imposed for a  
31 first violation of specified provisions relating to  
32 employing, hiring, recruiting, or referring aliens for  
33 private or public employment; providing a fine for  
34 second or subsequent violations of specified  
35 provisions after a certain previous conviction  
36 relating to employing, hiring, recruiting, or  
37 referring aliens for private or public employment;  
38 providing criminal penalties for certain aliens who  
39 knowingly use false identification documents or who  
40 fraudulently use identification documents of another  
41 person for the purpose of obtaining employment; making  
42 technical changes; amending s. 448.095, F.S.; deleting  
43 the definition of the term "department"; requiring a  
44 private employer to verify a person's employment  
45 eligibility before recruiting or referring for a fee a  
46 person for employment; requiring a private employer to  
47 retain specified copies for at least a certain number  
48 of years; deleting a provision absolving private  
49 employers of civil or criminal liability for complying  
50 with certain provisions; creating a certain rebuttable  
51 presumption that the private employer has not violated  
52 specified provisions with respect to the hiring,  
53 recruitment, or referral for employment of an  
54 unauthorized alien; establishing an affirmative  
55 defense to an allegation that the private employer has  
56 not violated specified provisions with respect to the  
57 hiring, recruitment, or referral for employment of an  
58 unauthorized alien; prohibiting a private employer

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59 from continuing to employ an unauthorized alien after  
60 obtaining knowledge that a person is or has become an  
61 unauthorized alien; authorizing the Department of  
62 Economic Opportunity to request, and requiring a  
63 private employer to provide, copies of specified  
64 documentation; requiring a person or an entity that  
65 determines or finds that a private employer has  
66 violated certain provisions to notify the department;  
67 revising the required actions that the department must  
68 take if a private employer does not comply with  
69 specified provisions, including imposing fines for  
70 first, second, or subsequent violations; requiring  
71 that specified fines be deposited into the General  
72 Revenue Fund; requiring the department to provide  
73 certain notice to private employers for any action  
74 taken pursuant to specified provisions; requiring the  
75 department to notify private employers of the  
76 opportunity for a hearing pursuant to specified  
77 provisions; deleting provisions relating to penalties  
78 imposed upon private employers for specified  
79 violations; conforming provisions to changes made by  
80 the act; amending s. 454.021, F.S.; deleting a  
81 provision authorizing an unauthorized immigrant to  
82 obtain a license to practice law in this state under  
83 certain circumstances; providing applicability;  
84 amending s. 787.07, F.S.; providing criminal penalties  
85 for persons who knowingly and willfully violate, or  
86 who reasonably should know and who violate, certain  
87 provisions relating to the transporting into or within

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88 this state, or the concealing, harboring, or shielding  
89 from detection, or the attempt thereof, of individuals  
90 who illegally entered the United States; providing  
91 enhanced criminal penalties for prior convictions of  
92 specified provisions; defining the term "conviction";  
93 providing circumstances that give rise to a certain  
94 inference; requiring that persons who violate certain  
95 provisions be held in custody; making technical  
96 changes; amending s. 908.104, F.S.; specifying that a  
97 state entity, local governmental entity, or law  
98 enforcement agency, or an employee, an agent, or a  
99 representative of the entity or agency, may not  
100 prohibit or in any way restrict a law enforcement  
101 agency from sending the applicable information  
102 obtained pursuant to certain provisions to a federal  
103 immigration agency; amending s. 943.03, F.S.;  
104 requiring the Department of Law Enforcement to  
105 coordinate and direct the law enforcement, initial  
106 emergency, and other initial responses in matters  
107 dealing with the Federal Government in federal  
108 immigration law enforcement and responses to  
109 immigration enforcement incidents within or affecting  
110 this state; amending s. 943.03101, F.S.; revising  
111 legislative findings and determinations; amending s.  
112 943.0311, F.S.; revising the required duties of the  
113 Chief of Domestic Security; requiring the chief to  
114 regularly coordinate random audits pursuant to  
115 specified provisions and notify the Department of  
116 Economic Opportunity of any violations; amending s.

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117 943.0312, F.S.; revising legislative findings;  
118 requiring that each task force cooperate with and  
119 provide assistance to the Federal Government in the  
120 enforcement of federal immigration laws within or  
121 affecting this state in compliance with specified  
122 provisions, in accordance with the state's domestic  
123 security strategic goals and objectives; requiring the  
124 Chief of Domestic Security to, in conjunction with  
125 specified entities, identify appropriate equipment and  
126 training needs, curricula, and materials related to  
127 the effective response to immigration enforcement  
128 incidents; requiring that each regional domestic  
129 security task force, working in conjunction with  
130 specified entities, work to ensure that hate-driven  
131 acts against ethnic groups that may have been targeted  
132 as a result of immigration enforcement incidents  
133 within or affecting this state are appropriately  
134 investigated and responded to; amending s. 943.0313,  
135 F.S.; revising legislative findings; requiring the  
136 Domestic Security Oversight Council to make  
137 recommendations to the Governor and the Legislature  
138 regarding the expenditure of funds and allocation of  
139 resources related to cooperating with and providing  
140 assistance to the Federal Government in the  
141 enforcement of federal immigration laws; expanding the  
142 list of persons whom the council may invite to attend  
143 and participate in its meetings as ex officio,  
144 nonvoting members; revising the duties of the council;  
145 amending s. 943.325, F.S.; revising the definition of

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146 the term "qualifying offender" to include certain  
147 persons who are the subject of an immigration detainer  
148 issued by a federal immigration agency; requiring  
149 certain qualifying offenders to submit DNA samples at  
150 a specified time; requiring law enforcement agencies  
151 to immediately take DNA samples from certain  
152 qualifying offenders under certain circumstances;  
153 providing effective dates.

154  
155 Be It Enacted by the Legislature of the State of Florida:

156  
157 Section 1. Section 125.0156, Florida Statutes, is created  
158 to read:

159 125.0156 Restriction on providing funds for identification  
160 documents.—A county may not provide funds to any person, entity,  
161 or organization for the purpose of issuing an identification  
162 card or document to an individual who does not provide proof of  
163 lawful presence in the United States.

164 Section 2. Section 166.246, Florida Statutes, is created to  
165 read:

166 166.246 Restriction on providing funds for identification  
167 documents.—A municipality may not provide funds to any person,  
168 entity, or organization for the purpose of issuing an  
169 identification card or document to an individual who does not  
170 provide proof of lawful presence in the United States.

171 Section 3. Section 322.033, Florida Statutes, is created to  
172 read:

173 322.033 Unauthorized aliens; invalid out-of-state driver  
174 licenses.—

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175       (1) If a driver license is of a class of licenses issued by  
176 another state exclusively to undocumented immigrants who are  
177 unable to prove lawful presence in the United States when the  
178 licenses are issued, the driver license, or other permit  
179 purporting to authorize the holder to operate a motor vehicle on  
180 public roadways, is invalid in this state and does not authorize  
181 the holder to operate a motor vehicle in this state. Such  
182 classes of licenses include licenses that are issued exclusively  
183 to undocumented immigrants or licenses that are substantially  
184 the same as licenses issued to citizens, residents, or those  
185 lawfully present in the United States but have markings  
186 establishing that the license holder did not exercise the option  
187 of providing proof of lawful presence.

188       (2) A law enforcement officer or other authorized  
189 representative of the department who stops a person driving with  
190 an invalid license as described in subsection (1) and driving  
191 without a valid license shall issue a citation to the driver for  
192 driving without a license in violation of s. 322.03.

193       (3) The department, to facilitate the enforcement of this  
194 section and to aid in providing notice to the public and  
195 visitors of invalid licenses, shall maintain on its website a  
196 list of out-of-state classes of driver licenses that are invalid  
197 in this state.

198       Section 4. Section 322.04, Florida Statutes, is amended to  
199 read:

200       322.04 Persons exempt from obtaining driver license.—

201       (1) The following persons are exempt from obtaining a  
202 driver license:

203       (a) Any employee of the United States Government, while

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204 operating a noncommercial motor vehicle owned by or leased to  
205 the United States Government and being operated on official  
206 business.

207 (b) Any person while driving or operating any road machine,  
208 farm tractor, or implement of husbandry temporarily operated or  
209 moved on a highway.

210 (c) A nonresident who is at least 16 years of age and who  
211 has in his or her immediate possession a valid noncommercial  
212 driver license issued to the nonresident in his or her home  
213 state or country operating a motor vehicle of the type for which  
214 a Class E driver license is required in this state, if the  
215 nonresident's license is not invalid under s. 322.033 relating  
216 to proof of the licensee's lawful presence in the United States.

217 (d) A nonresident who is at least 18 years of age and who  
218 has in his or her immediate possession a valid noncommercial  
219 driver license issued to the nonresident in his or her home  
220 state or country operating a motor vehicle, other than a  
221 commercial motor vehicle, in this state, if the nonresident's  
222 license is not invalid under s. 322.033 relating to proof of the  
223 licensee's lawful presence in the United States.

224 (e) Any person operating a golf cart, as defined in s.  
225 320.01, which is operated in accordance with the provisions of  
226 s. 316.212.

227 (2) This section does not apply to any person to whom s.  
228 322.031 applies.

229 (3) Any person working for a firm under contract to the  
230 United States Government whose residence is outside this state  
231 and whose main point of employment is outside this state may  
232 drive a noncommercial vehicle on the public roads of this state



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233 for periods up to 60 days while in this state on temporary duty,  
234 if the person has a valid driver license from the state of the  
235 person's residence and if the license is not invalid under s.  
236 322.033 relating to proof of the licensee's lawful presence in  
237 the United States.

238 Section 5. Section 395.3027, Florida Statutes, is created  
239 to read:

240 395.3027 Patient immigration status data collection.-

241 (1) Each hospital that accepts Medicaid must include a  
242 provision on its patient admission or registration forms for the  
243 patient or the patient's representative to state or indicate  
244 whether the patient is a United States citizen or lawfully  
245 present in the United States or is not lawfully present in the  
246 United States. The inquiry must be followed by a statement that  
247 the response will not affect patient care or result in a report  
248 of the patient's immigration status to immigration authorities.

249 (2) Each hospital must submit a quarterly report to the  
250 agency within 30 days after the end of each calendar quarter  
251 which reports the number of hospital admissions or visits within  
252 the previous quarter which were made by a patient who indicated  
253 that he or she was a citizen of the United States or lawfully  
254 present in the United States, was not lawfully present in the  
255 United States, or declined to answer.

256 (3) By March 1 of each year, the agency shall submit a  
257 report to the Governor, the President of the Senate, and the  
258 Speaker of the House of Representatives which includes the total  
259 number of hospital admissions and visits for the previous  
260 calendar year for which the patient or patient's representative  
261 reported that the patient was a citizen of the United States or

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262 lawfully present in the United States, was not lawfully present  
263 in the United States, or declined to answer. The report must  
264 also describe information relating to the costs of uncompensated  
265 care for aliens who are not lawfully present in the United  
266 States, the impact of uncompensated care on the cost or ability  
267 of hospitals to provide services to the public, hospital funding  
268 needs, and other related information.

269 (4) The agency may adopt rules relating to the format and  
270 information to be contained in quarterly reports and the  
271 acceptable formats for hospitals to use in requesting  
272 information regarding a patient's immigration status on hospital  
273 admission or registration forms. The rules may not require the  
274 disclosure of patient names to the agency.

275 Section 6. Section 448.09, Florida Statutes, is amended to  
276 read:

277 448.09 Unauthorized aliens; employment prohibited.—

278 (1) It is ~~shall be~~ unlawful for any person to knowingly ~~to~~  
279 employ, hire, recruit, or refer, either for herself or himself  
280 or on behalf of another, for private or public employment within  
281 the state, an alien who is not duly authorized to work by the  
282 immigration laws or the Attorney General of the United States.

283 (2) A person who violates ~~The first violation of~~ subsection  
284 (1) a first time commits ~~shall be~~ a noncriminal violation ~~as~~  
285 ~~defined in s. 775.08(3) and, upon conviction, shall be~~  
286 ~~punishable as provided in s. 775.082(5) by a civil fine of not~~  
287 ~~more than \$1,000~~ \$500, regardless of the number of aliens with  
288 respect to whom the violation occurred.

289 (3) A ~~Any~~ person who has been previously convicted for a  
290 violation of subsection (1) and who subsequently ~~thereafter~~

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291 violates that subsection commits ~~(1)~~, ~~shall be guilty of a~~  
292 misdemeanor of the second degree, punishable as provided in s.  
293 775.082 or s. 775.083, except that the fine is \$2,500. Any such  
294 subsequent violation of this section constitutes ~~shall~~  
295 ~~constitute~~ a separate offense with respect to each unauthorized  
296 alien.

297 (4) Any alien who is not duly authorized to work by the  
298 immigration laws or the Attorney General of the United States  
299 who knowingly uses a false identification document, or who  
300 fraudulently uses an identification document of another person,  
301 for the purpose of obtaining employment commits a felony of the  
302 third degree, punishable as provided in s. 775.082 or s.  
303 775.083.

304 Section 7. Paragraph (c) of subsection (1) and subsection  
305 (3) of section 448.095, Florida Statutes, are amended to read:

306 448.095 Employment eligibility.—

307 (1) DEFINITIONS.—As used in this section, the term:

308 ~~(c) "Department" means the Department of Economic~~  
309 ~~Opportunity.~~

310 (3) PRIVATE EMPLOYERS.—

311 ~~(a) Beginning January 1, 2021, a private employer shall,~~  
312 After making an offer of employment which has been accepted by a  
313 person or before recruiting or referring for a fee a person for  
314 employment, a private employer shall verify such person's  
315 employment eligibility. A private employer is not required to  
316 verify the employment eligibility of a continuing employee hired  
317 before January 1, 2021. However, if a person is a contract  
318 employee retained by a private employer, the private employer  
319 must verify the employee's employment eligibility upon the

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320 renewal or extension of his or her contract.

321 (b) A private employer shall verify a person's employment  
322 eligibility by:

323 1. Using the E-Verify system; or

324 2. Requiring the person to provide the same documentation  
325 that is required by the United States Citizenship and  
326 Immigration Services on its Employment Eligibility Verification  
327 form (Form I-9).

328 (c) The private employer must retain, for at least 5 years:

329 1. A copy of the documentation provided ~~under this~~  
330 ~~subparagraph for at least 3 years~~ after the person's initial  
331 date of employment.

332 2. A copy of the official verification generated by the E-  
333 Verify system, if used, and any supporting documentation used to  
334 generate the verification after the date the verification was  
335 generated.

336 ~~(c) A private employer that complies with this subsection~~  
337 ~~may not be held civilly or criminally liable under state law for~~  
338 ~~hiring, continuing to employ, or refusing to hire an~~  
339 ~~unauthorized alien if the information obtained under paragraph~~  
340 ~~(b) indicates that the person's work authorization status was~~  
341 ~~not that of an unauthorized alien.~~

342 (d) 1. A private employer that establishes compliance with  
343 subparagraph (b)1. with respect to the hiring, recruitment, or  
344 referral for employment of an unauthorized alien has established  
345 a rebuttable presumption that the private employer has not  
346 violated this section with respect to such hiring, recruiting,  
347 or referral.

348 2. A private employer that establishes compliance with

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349 subparagraph (b)2. with respect to the hiring, recruitment, or  
350 referral for employment of an unauthorized alien has established  
351 an affirmative defense that the private employer has not  
352 violated this section with respect to such hiring, recruiting,  
353 or referral.

354 3. A private employer may not continue to employ an  
355 unauthorized alien after obtaining knowledge that a person is or  
356 has become an unauthorized alien ~~For purposes of this~~  
357 ~~subsection, compliance with paragraph (b) creates a rebuttable~~  
358 ~~presumption that a private employer did not knowingly employ an~~  
359 ~~unauthorized alien in violation of s. 448.09(1).~~

360 (e)1. For the purpose of enforcement of this section, the  
361 following persons or entities may request, and a private  
362 employer must provide, copies of any documentation relied upon  
363 by the private employer for the verification of a person's  
364 employment eligibility, including, but not limited to, any  
365 documentation required under paragraph (b) or paragraph (c):

366 a.1. The Department of Law Enforcement.

367 b.2. The Attorney General.

368 c.3. The state attorney.

369 d.4. The statewide prosecutor.

370 e. The Department of Economic Opportunity.

371 2. A person or entity that makes a request under this  
372 paragraph must rely upon the Federal Government to verify a  
373 person's employment eligibility and may not independently make a  
374 final determination as to whether a person is an unauthorized  
375 alien. If the person or entity determines or finds that a  
376 private employer has violated this section, the person or entity  
377 must notify the Department of Economic Opportunity.

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378 (f) If a private employer does not comply with paragraphs  
379 ~~paragraph~~ (b) or (c), the Department of Economic Opportunity  
380 must: shall

381 1. Require the private employer to provide an affidavit to  
382 the department stating that the private employer will comply  
383 with paragraphs ~~paragraph~~ (b) and (c), the private employer has  
384 terminated the employment of all unauthorized aliens employed in  
385 this state, and the employer will not intentionally or knowingly  
386 employ an unauthorized alien in this state.

387 a. If the private employer does not provide the required  
388 affidavit within 30 days after the department's request, the  
389 department shall notify all appropriate agencies to suspend the  
390 appropriate licensing agency shall suspend all applicable  
391 licenses held by the private employer. The appropriate agency  
392 shall notify the private employer that such suspension is  
393 effective until the private employer provides the department  
394 with the required affidavit. Upon receipt of the required  
395 affidavit, the department shall notify the respective agencies  
396 to reinstate the licenses held by the private employer.

397 b. For any private employer that does not provide the  
398 required affidavit within 30 days after the department's request  
399 three times within any 24-month period, all applicable licenses  
400 held by the private employer must be revoked by the respective  
401 agencies that issued them.

402 2. Impose a fine if the private employer knowingly employed  
403 an unauthorized alien in violation of this subsection:

404 a. For a first violation, the fine is \$5,000 for each  
405 unauthorized alien employed as a result of noncompliance with  
406 this subsection.

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407 b. For a second violation within 24 months of the first  
408 violation, the fine is \$7,500 for each unauthorized alien  
409 employed as a result of noncompliance with this subsection.  
410 Additionally, all applicable licenses held by the private  
411 employer must be suspended for 120 days by the respective  
412 agencies that issued them.

413 c. For a third or subsequent violation within 24 months of  
414 the first violation, the fine is \$10,000 for each unauthorized  
415 alien employed as a result of noncompliance with this  
416 subsection. Additionally, all applicable licenses held by the  
417 private employer must be revoked by the respective agencies that  
418 issued them.

419 d. All fines imposed pursuant to this subparagraph must be  
420 deposited in the General Revenue Fund.

421 (g) For purposes of paragraph (f): ~~this paragraph,~~

422 1. The applicable licenses that are subject to suspension  
423 or revocation under that ~~this~~ paragraph are all licenses that  
424 are held by the private employer specific to the business  
425 location where the unauthorized alien performed work. If the  
426 private employer does not hold a license specific to the  
427 business location where the unauthorized alien performed work,  
428 but a license is necessary to operate the private employer's  
429 business in general, the licenses that are subject to suspension  
430 or revocation under ~~this~~ paragraph (f) are all licenses that are  
431 held by the private employer at the private employer's primary  
432 place of business.

433 2. The Department of Economic Opportunity must provide  
434 notice to a private employer for any action under that paragraph  
435 in accordance with the provisions of chapter 120, including a

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436 statement of facts, and must notify the private employer of the  
437 opportunity for a hearing pursuant to ss. 120.569 and 120.57.

438 ~~(g) For any private employer found to have violated~~  
439 ~~paragraph (f) three times within any 36 month period, the~~  
440 ~~appropriate licensing agency shall permanently revoke all~~  
441 ~~licenses that are held by the private employer specific to the~~  
442 ~~business location where the unauthorized alien performed work.~~  
443 ~~If the private employer does not hold a license specific to the~~  
444 ~~business location where the unauthorized alien performed work,~~  
445 ~~but a license is necessary to operate the private employer's~~  
446 ~~business in general, the appropriate licensing agency shall~~  
447 ~~permanently revoke all licenses that are held by the private~~  
448 ~~employer at the private employer's primary place of business.~~

449 Section 8. Effective November 1, 2026, subsection (3) of  
450 section 454.021, Florida Statutes, is amended to read:

451 454.021 Attorneys; admission to practice law; Supreme Court  
452 to govern and regulate.-

453 ~~(3) Upon certification by the Florida Board of Bar~~  
454 ~~Examiners that an applicant who is an unauthorized immigrant who~~  
455 ~~was brought to the United States as a minor; has been present in~~  
456 ~~the United States for more than 10 years; has received~~  
457 ~~documented employment authorization from the United States~~  
458 ~~Citizenship and Immigration Services (USCIS); has been issued a~~  
459 ~~social security number; if a male, has registered with the~~  
460 ~~Selective Service System if required to do so under the Military~~  
461 ~~Selective Service Act, 50 U.S.C. App. 453; and has fulfilled all~~  
462 ~~requirements for admission to practice law in this state, the~~  
463 ~~Supreme Court of Florida may admit that applicant as an attorney~~  
464 ~~at law authorized to practice in this state and may direct an~~



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465 ~~order be entered upon the court's records to that effect.~~

466 Section 9. The repeal of s. 454.021(3), Florida Statutes,  
467 by this act does not affect the validity of any license to  
468 practice law issued pursuant to that subsection before November  
469 1, 2026.

470 Section 10. Section 787.07, Florida Statutes, is amended to  
471 read:

472 787.07 Human smuggling.—

473 (1) Except as provided in subsections (3) and (4), a person  
474 who knowingly and willfully commits any of the following  
475 offenses commits a felony of the third degree, punishable as  
476 provided in s. 775.082, s. 775.083, or s. 775.084:

477 (a) Transports into or within this state an individual whom  
478 who the person knows, or reasonably should know, has is  
479 illegally entered entering the United States in violation of law  
480 and has not been inspected by the Federal Government since his  
481 or her unlawful entry.

482 (b) Conceals, harbors, or shields from detection, or  
483 attempts to conceal, harbor, or shield from detection, in any  
484 place within this state, including any temporary or permanent  
485 structure or through any means of transportation, an individual  
486 whom the person knows, or reasonably should know, has entered  
487 the United States in violation of law and has not been inspected  
488 by the Federal Government since his or her unlawful entry from  
489 another country commits a felony of the third degree, punishable  
490 as provided in s. 775.082, s. 775.083, or s. 775.084.

491 (2) A person commits a separate offense for each individual  
492 he or she transports, conceals, harbors, or shields from  
493 detection, or attempts to transport, conceal, harbor, or shield

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494 ~~from detection, into this state~~ in violation of this section.

495 (3) A person who commits five or more separate offenses  
496 under this section during a single episode commits a felony of  
497 the second degree, punishable as provided in s. 775.082, s.  
498 775.083, or s. 775.084.

499 (4) (a) A person with a prior conviction under this section  
500 commits a felony of the second degree, punishable as provided in  
501 s. 775.082, s. 775.083, or s. 775.084.

502 (b) As used in paragraph (a), the term "conviction" means a  
503 determination of guilt that is the result of a plea agreement or  
504 a trial, regardless of whether adjudication is withheld or a  
505 plea of nolo contendere is entered.

506 (5) Proof that a person knowingly and willfully presented  
507 false identification or gave false information to a law  
508 enforcement officer who is conducting an investigation for a  
509 violation of this section gives rise to an inference that such  
510 person was aware that the transported, concealed, harbored, or  
511 shielded individual has entered the United States in violation  
512 of the law and had not been inspected by the Federal Government  
513 since his or her unlawful entry.

514 (6) A person who is arrested for a violation of this  
515 section must be held in custody until brought before the court  
516 for admittance to pretrial release in accordance with chapter  
517 903.

518 Section 11. Paragraph (f) is added to subsection (2) of  
519 section 908.104, Florida Statutes, to read:

520 908.104 Cooperation with federal immigration authorities.-

521 (2) Except as otherwise expressly prohibited by federal  
522 law, a state entity, local governmental entity, or law

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523 enforcement agency, or an employee, an agent, or a  
524 representative of the entity or agency, may not prohibit or in  
525 any way restrict a law enforcement agency from taking any of the  
526 following actions with respect to information regarding a  
527 person's immigration status:

528 (f) Sending the applicable information obtained pursuant to  
529 enforcement of s. 448.095 to a federal immigration agency.

530 Section 12. Subsection (14) of section 943.03, Florida  
531 Statutes, is amended to read:

532 943.03 Department of Law Enforcement.—

533 (14) The department, with respect to counter-terrorism  
534 efforts, responses to acts of terrorism within or affecting this  
535 state, coordinating with and providing assistance to the Federal  
536 Government in the enforcement of federal immigration laws,  
537 responses to immigration enforcement incidents within or  
538 affecting this state, and other matters related to the domestic  
539 security of Florida as it relates to terrorism and immigration  
540 enforcement incidents, shall coordinate and direct the law  
541 enforcement, initial emergency, and other initial responses. The  
542 department shall work closely with the Division of Emergency  
543 Management, other federal, state, and local law enforcement  
544 agencies, fire and rescue agencies, first-responder agencies,  
545 and others involved in preparation against acts of terrorism in  
546 or affecting this state, immigration enforcement incidents  
547 within or affecting this state, and in the response to such acts  
548 or incidents. The executive director of the department, or  
549 another member of the department designated by the director,  
550 shall serve as Chief of Domestic Security for the purpose of  
551 directing and coordinating such efforts. The department and

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552 Chief of Domestic Security shall use the regional domestic  
553 security task forces as established in this chapter to assist in  
554 such efforts.

555 Section 13. Section 943.03101, Florida Statutes, is amended  
556 to read:

557 943.03101 Counter-terrorism and immigration enforcement  
558 coordination.—The Legislature finds that with respect to  
559 counter-terrorism efforts, ~~and~~ initial responses to acts of  
560 terrorism within or affecting this state, coordinating with and  
561 providing assistance to the Federal Government in the  
562 enforcement of federal immigration laws, and responses to  
563 immigration enforcement incidents within or affecting this  
564 state, specialized efforts of emergency management which are  
565 unique to such situations are required and that these efforts  
566 intrinsically involve very close coordination of federal, state,  
567 and local law enforcement agencies with the efforts of all  
568 others involved in emergency-response efforts. In order to best  
569 provide this specialized effort, the Legislature has determined  
570 that such efforts should be coordinated by and through the  
571 Department of Law Enforcement, working closely with the Division  
572 of Emergency Management and others involved in preparation  
573 against acts of terrorism in or affecting this state,   
574 immigration enforcement incidents within or affecting this  
575 state, and in the initial response to such acts, in accordance  
576 with the state comprehensive emergency management plan prepared  
577 pursuant to s. 252.35(2) (a).

578 Section 14. Present subsections (2) through (7) of section  
579 943.0311, Florida Statutes, are redesignated as subsections (3)  
580 through (8), respectively, a new subsection (2) is added to that

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581 section, and subsection (1) and present subsection (3) of that  
582 section are amended, to read:

583 943.0311 Chief of Domestic Security; duties of the  
584 department with respect to domestic security.—

585 (1) The executive director of the department, or a member  
586 of the department designated by the executive director, shall  
587 serve as the Chief of Domestic Security. The Chief of Domestic  
588 Security shall:

589 (a) Coordinate the efforts of the department in the ongoing  
590 assessment of this state's vulnerability to, and ability to  
591 detect, prevent, prepare for, respond to, and recover from, acts  
592 of terrorism within or affecting this state and immigration  
593 enforcement incidents within or affecting this state.

594 (b) Prepare recommendations for the Governor, the President  
595 of the Senate, and the Speaker of the House of Representatives,  
596 which are based upon ongoing assessments to limit the  
597 vulnerability of the state to terrorism and immigration  
598 enforcement incidents.

599 (c) Coordinate the collection of proposals to limit the  
600 vulnerability of the state to terrorism and immigration  
601 enforcement incidents.

602 (d) Use regional task forces to support the duties of the  
603 department set forth in this section.

604 (e) Use public or private resources to perform the duties  
605 assigned to the department under this section.

606 (2) The chief shall regularly coordinate random audits  
607 pursuant to s. 448.095 to ensure compliance and enforcement and  
608 shall notify the Department of Economic Opportunity of any  
609 violations.

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610        ~~(4)~~<sup>(3)</sup> The chief shall report to the Governor, the  
611 President of the Senate, and the Speaker of the House of  
612 Representatives by November 1 of each year suggestions for  
613 specific and significant security enhancements of any building,  
614 facility, or structure owned or leased by a state agency, state  
615 university, or community college or any entity that has  
616 conducted an assessment under subsection ~~(6)~~<sup>(5)</sup>. The chief may  
617 utilize the assessments provided under subsection ~~(6)~~<sup>(5)</sup> in  
618 making his or her suggestions. The report shall suggest  
619 strategies to maximize federal funds in support of building or  
620 facility security if such funds are available.

621        Section 15. Section 943.0312, Florida Statutes, is amended  
622 to read:

623        943.0312 Regional domestic security task forces.—The  
624 Legislature finds that there is a need to develop and implement  
625 a statewide strategy to address prevention, preparation,  
626 protection, response, and recovery efforts by federal, state,  
627 and local law enforcement agencies, emergency management  
628 agencies, fire and rescue departments, first-responder  
629 personnel, and others in dealing with potential or actual  
630 terrorist acts within or affecting this state and potential or  
631 actual immigration enforcement incidents within or affecting  
632 this state.

633        (1) To assist the department and the Chief of Domestic  
634 Security in performing their roles and duties in this regard,  
635 the department shall establish a regional domestic security task  
636 force in each of the department's operational regions. The task  
637 forces shall serve in an advisory capacity to the department and  
638 the Chief of Domestic Security and shall provide support to the

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639 department in its performance of functions pertaining to  
640 domestic security.

641 (a) Subject to annual appropriation, the department shall  
642 provide dedicated employees to support the function of each  
643 regional domestic security task force.

644 (b) Each task force shall be co-chaired by the department's  
645 special agent in charge of the operational region in which the  
646 task force is located and by a local sheriff or chief of police  
647 from within the operational region.

648 (c) Each task force membership may also include  
649 representatives of state and local law enforcement agencies,  
650 fire and rescue departments, or first-responder personnel;  
651 representatives of emergency management agencies and health,  
652 medical, and hospital agencies; representatives of local  
653 emergency planning committees; and other persons as deemed  
654 appropriate and necessary by the task force co-chairs.

655 (d) The co-chairs of each task force may appoint  
656 subcommittees and subcommittee chairs as necessary in order to  
657 address issues related to the various disciplines represented on  
658 the task force, except that subcommittee chairs for emergency  
659 management shall be appointed with the approval of the director  
660 of the Division of Emergency Management. A subcommittee chair  
661 shall serve at the pleasure of the co-chairs.

662 (2) In accordance with the state's domestic security  
663 strategic goals and objectives, each task force shall coordinate  
664 efforts to counter terrorism~~7~~ as defined by s. 775.30~~7~~ and  
665 cooperate with and provide assistance to the Federal Government  
666 in the enforcement of federal immigration laws within or  
667 affecting this state in compliance with chapter 908, among

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668 local, state, and federal resources to ensure that such efforts  
669 are not fragmented or unnecessarily duplicated; coordinate  
670 training for local and state personnel to counter terrorism as  
671 defined in ~~by~~ s. 775.30; and cooperate with and provide  
672 assistance to the Federal Government in the enforcement of  
673 federal immigration laws within or affecting this state in  
674 compliance with chapter 908; coordinate the collection and  
675 dissemination of investigative and intelligence information; and  
676 facilitate responses to terrorist incidents within or affecting  
677 each region and immigration enforcement incidents within or  
678 affecting each region. With the approval of the Chief of  
679 Domestic Security, the task forces may incorporate other  
680 objectives reasonably related to the goals of enhancing the  
681 state's domestic security and ability to detect, prevent, and  
682 respond to acts of terrorism within or affecting this state or  
683 immigration enforcement incidents within or affecting this  
684 state. Each task force shall take into account the variety of  
685 conditions and resources present within its region.

686 (3) The Chief of Domestic Security, in conjunction with the  
687 Division of Emergency Management, the regional domestic security  
688 task forces, and the various state entities responsible for  
689 establishing training standards applicable to state law  
690 enforcement officers and fire, emergency, and first-responder  
691 personnel shall identify appropriate equipment and training  
692 needs, curricula, and materials related to the effective  
693 response to suspected or actual acts of terrorism, immigration  
694 enforcement incidents, or incidents involving real or hoax  
695 weapons of mass destruction as defined in s. 790.166.  
696 Recommendations for funding for purchases of equipment, delivery



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697 of training, implementation of, or revision to basic or  
698 continued training required for state licensure or  
699 certification, or other related responses shall be made by the  
700 Chief of Domestic Security to the Domestic Security Oversight  
701 Council, the Executive Office of the Governor, the President of  
702 the Senate, and the Speaker of the House of Representatives as  
703 necessary to ensure that the needs of this state with regard to  
704 the preparing, equipping, training, and exercising of response  
705 personnel are identified and addressed. In making such  
706 recommendations, the Chief of Domestic Security and the Division  
707 of Emergency Management shall identify all funding sources that  
708 may be available to fund such efforts.

709 (4) Each regional domestic security task force, working in  
710 conjunction with the department, the Office of the Attorney  
711 General, and other public or private entities, shall work to  
712 ensure that hate-driven acts against ethnic groups that may have  
713 been targeted as a result of acts of terrorism in or affecting  
714 this state, or as a result of immigration enforcement incidents  
715 within or affecting this state, are appropriately investigated  
716 and responded to.

717 (5) Members of each regional domestic security task force  
718 may not receive any pay other than their salaries normally  
719 received from their employers, but are entitled to reimbursement  
720 for per diem and travel expenses in accordance with s. 112.061.

721 (6) Subject to annual appropriation, the department shall  
722 provide staff and administrative support for the regional  
723 domestic security task forces.

724 Section 16. Section 943.0313, Florida Statutes, is amended  
725 to read:

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726           943.0313 Domestic Security Oversight Council.—The  
727 Legislature finds that there exists a need to provide executive  
728 direction and leadership with respect to terrorism and  
729 immigration enforcement incident prevention, preparation,  
730 protection, response, and recovery efforts by state and local  
731 agencies in this state. In recognition of this need, the  
732 Domestic Security Oversight Council is hereby created. The  
733 council shall serve as an advisory council pursuant to s.  
734 20.03(7) to provide guidance to the state's regional domestic  
735 security task forces and other domestic security working groups  
736 and to make recommendations to the Governor and the Legislature  
737 regarding the expenditure of funds and allocation of resources  
738 related to counter-terrorism and cooperating with and providing  
739 assistance to the Federal Government in the enforcement of  
740 federal immigration laws and domestic security efforts.

741           (1) MEMBERSHIP.—

742           (a) The Domestic Security Oversight Council shall consist  
743 of the following voting members:

- 744           1. The executive director of the Department of Law  
745 Enforcement.
- 746           2. The director of the Division of Emergency Management.
- 747           3. The Attorney General.
- 748           4. The Commissioner of Agriculture.
- 749           5. The State Surgeon General.
- 750           6. The Commissioner of Education.
- 751           7. The State Fire Marshal.
- 752           8. The adjutant general of the Florida National Guard.
- 753           9. The state chief information officer.
- 754           10. Each sheriff or chief of police who serves as a co-

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755 chair of a regional domestic security task force pursuant to s.  
756 943.0312(1)(b).

757 11. Each of the department's special agents in charge who  
758 serve as a co-chair of a regional domestic security task force.

759 12. Two representatives of the Florida Fire Chiefs  
760 Association.

761 13. One representative of the Florida Police Chiefs  
762 Association.

763 14. One representative of the Florida Prosecuting Attorneys  
764 Association.

765 15. The chair of the Statewide Domestic Security  
766 Intelligence Committee.

767 16. One representative of the Florida Hospital Association.

768 17. One representative of the Emergency Medical Services  
769 Advisory Council.

770 18. One representative of the Florida Emergency  
771 Preparedness Association.

772 19. One representative of the Florida Seaport  
773 Transportation and Economic Development Council.

774 (b) In addition to the members designated in paragraph (a),  
775 the council may invite other ex officio, nonvoting members to  
776 attend and participate in council meetings. Those nonvoting  
777 members may include, but need not be limited to:

778 1. The executive director of the Department of Highway  
779 Safety and Motor Vehicles.

780 2. The Secretary of Health Care Administration.

781 3. The Secretary of Environmental Protection.

782 4. The director of the Division of Law Enforcement within  
783 the Fish and Wildlife Conservation Commission.

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- 784 5. A representative of the Commission on Human Relations.  
785 6. A representative of the United States Coast Guard.  
786 7. A United States Attorney from a federal judicial circuit  
787 within this state.  
788 8. A special agent in charge from an office of the Federal  
789 Bureau of Investigation within this state.  
790 9. A representative of the United States Department of  
791 Homeland Security.  
792 10. A representative of United States Immigration and  
793 Customs Enforcement.  
794 11. A representative of United States Customs and Border  
795 Protection.
- 796 (2) ORGANIZATION.—  
797 (a) The Legislature finds that the council serves a  
798 legitimate state, county, and municipal purpose and that service  
799 on the council is consistent with a member's principal service  
800 in public office or employment. Membership on the council does  
801 not disqualify a member from holding any other public office or  
802 being employed by a public entity, except that a member of the  
803 Legislature may not serve on the council.  
804 (b) The executive director of the Department of Law  
805 Enforcement shall serve as chair of the council, and the  
806 director of the Division of Emergency Management shall serve as  
807 vice chair of the council. In the absence of the chair, the vice  
808 chair shall serve as chair. In the absence of the vice chair,  
809 the chair may name any member of the council to perform the  
810 duties of the chair if such substitution does not extend beyond  
811 a defined meeting, duty, or period of time.  
812 (c) Any absent voting member of the council may be

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813 represented by a designee empowered to act on any issue before  
814 the council to the same extent that the designating member is  
815 empowered. If a co-chair of a regional domestic security task  
816 force is absent from a council meeting, the co-chair shall  
817 appoint a subcommittee chair of that task force as the designee.

818 (d) The council shall establish bylaws for its general  
819 governance.

820 (e) Any member of the council serving by reason of the  
821 office or employment held by the member shall cease to serve on  
822 the council at such time as he or she ceases to hold the office  
823 or employment which was the basis for appointment to the  
824 council.

825 (f) Representatives from agencies or organizations other  
826 than those designated by title shall be chosen by the entity.  
827 Except for those individuals designated by title, council  
828 members shall be certified annually to the chair by the  
829 organization they represent.

830 (g) Members of the council or their designees shall serve  
831 without compensation but are entitled to reimbursement for per  
832 diem and travel expenses pursuant to s. 112.061.

833 (h) The department shall provide the council with the staff  
834 support necessary to assist in the performance of its duties.

835 (3) MEETINGS.—The council must meet at least semiannually.  
836 Additional meetings may be held as necessary. A majority of the  
837 members of the council constitutes a quorum.

838 (4) EXECUTIVE COMMITTEE.—

839 (a) The council shall establish an executive committee  
840 consisting of the following members:

841 1. The executive director of the Department of Law

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842 Enforcement.

843 2. The director of the Division of Emergency Management.

844 3. The Attorney General.

845 4. The Commissioner of Agriculture.

846 5. The State Surgeon General.

847 6. The Commissioner of Education.

848 7. The State Fire Marshal.

849 (b) The executive director of the Department of Law  
850 Enforcement shall serve as the chair of the executive committee,  
851 and the director of the Division of Emergency Management shall  
852 serve as the vice chair of the executive committee.

853 (c) The executive committee shall approve all matters  
854 brought before the council prior to consideration. When  
855 expedited action of the council is deemed necessary by the chair  
856 or vice chair, the executive committee may act on behalf of the  
857 council.

858 (5) DUTIES OF THE COUNCIL.—

859 (a) The Domestic Security Oversight Council shall serve as  
860 an advisory council to the Governor, the Legislature, and the  
861 Chief of Domestic Security. The council shall:

862 1. Review the development, maintenance, and operation of a  
863 comprehensive multidisciplinary domestic security strategy that  
864 will guide the state's prevention, preparedness, protection,  
865 response, and recovery efforts against terrorist attacks and  
866 immigration enforcement incidents and make appropriate  
867 recommendations to ensure the implementation of that strategy.

868 2. Review the development of integrated funding plans to  
869 support specific projects, goals, and objectives necessary to  
870 the state's domestic security strategy and make appropriate

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871 recommendations to implement those plans.

872         3. Review and recommend approval of prioritized  
873 recommendations from regional domestic security task forces and  
874 state working groups on the use of available funding to ensure  
875 the use of such funds in a manner that best promotes the goals  
876 of statewide, regional, and local domestic security through  
877 coordinated planning and implementation strategies.

878         4. Review and recommend approval of statewide policies and  
879 operational protocols that support the domestic security efforts  
880 of the regional domestic security task forces and state  
881 agencies.

882         5. Review the overall statewide effectiveness of domestic  
883 security efforts, and counter-terrorism efforts, and efforts of  
884 coordinating with and providing assistance to the Federal  
885 Government in the enforcement of federal immigration laws in  
886 order to provide suggestions to improve or enhance those  
887 efforts.

888         6. Review the efforts of any agency or entity involved in  
889 state or local domestic security efforts, and counter-terrorism  
890 efforts, and efforts of coordination with and providing  
891 assistance to the Federal Government in the enforcement of  
892 federal immigration laws that requests assistance or that  
893 appears to need such review in order to provide suggestions to  
894 improve or enhance those efforts.

895         7. Review efforts within the state to better secure state  
896 and local infrastructure against terrorist attack or immigration  
897 enforcement incidents and make recommendations to enhance the  
898 effectiveness of such efforts.

899         8. Review and recommend legislative initiatives related to

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900 the state's domestic security and provide endorsement or  
901 recommendations to enhance the effectiveness of such efforts.

902 9. Review statewide or multiagency mobilizations and  
903 responses to major domestic security incidents and recommend  
904 suggestions for training, improvement of response efforts, or  
905 improvement of coordination or for other strategies that may be  
906 derived as necessary from such reviews.

907 10. Conduct any additional review or inquiry or make  
908 recommendations to the Governor and Legislature in support of  
909 other initiatives, as may be necessary, to fulfill the function  
910 of general oversight of the state's domestic security efforts,  
911 ~~and~~ counter-terrorism efforts, and efforts of coordinating with  
912 and providing assistance to the Federal Government in the  
913 enforcement of federal immigration laws and to promote increased  
914 security.

915 11. Promote and preserve intergovernmental cooperation and  
916 consensus among state and local agencies, the Federal  
917 Government, private entities, other states, and other nations,  
918 as appropriate, under the guidance of the Governor.

919 (b) The Domestic Security Oversight Council shall make an  
920 annual funding recommendation to the Governor and Legislature  
921 which shall prioritize funding requests based on allocations  
922 from all available sources for implementing the state's domestic  
923 security strategy. This recommendation must include the  
924 prioritized recommendations of each of the regional domestic  
925 security task forces and the various working groups that  
926 participate in the prioritization process for funding  
927 allocations. The recommendation must reflect the consideration  
928 of strategic priorities and allocations that best serve the



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929 state's overall domestic security needs. The recommendation  
930 shall be transmitted to the Governor and the Legislature by  
931 December 31 of each year. If additional funds become available,  
932 or reallocation of funding is required beyond current spending  
933 authorizations, the council may make recommendations to the  
934 Governor for consideration by the Legislative Budget Commission.

935 (6) REPORTS.—The council shall report annually on its  
936 activities, on or before December 31 of each calendar year, to  
937 the Governor, the President of the Senate, the Speaker of the  
938 House of Representatives, and the chairs of the committees  
939 having principal jurisdiction over domestic security in the  
940 Senate and the House of Representatives.

941 (7) AGENCY DESIGNATION.—For purposes of this section, the  
942 Domestic Security Oversight Council shall be considered a  
943 criminal justice agency within the definition of s. 119.011(4).

944 Section 17. Paragraph (g) of subsection (2) and paragraph  
945 (a) of subsection (3) of section 943.325, Florida Statutes, are  
946 amended, and paragraph (f) is added to subsection (7) of that  
947 section, to read:

948 943.325 DNA database.—

949 (2) DEFINITIONS.—As used in this section, the term:

950 (g) "Qualifying offender" means any person, including  
951 juveniles and adults, who is:

952 1.a. Committed to a county jail;

953 b. Committed to or under the supervision of the Department  
954 of Corrections, including persons incarcerated in a private  
955 correctional institution operated under contract pursuant to s.  
956 944.105;

957 c. Committed to or under the supervision of the Department

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958 of Juvenile Justice;

959 d. Transferred to this state under the Interstate Compact  
960 on Juveniles, part XIII of chapter 985; or

961 e. Accepted under Article IV of the Interstate Corrections  
962 Compact, part III of chapter 941; and who is:

963 2.a. Convicted of any felony offense or attempted felony  
964 offense in this state or of a similar offense in another  
965 jurisdiction;

966 b. Convicted of a misdemeanor violation of s. 784.048, s.  
967 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
968 offense that was found, pursuant to s. 874.04, to have been  
969 committed for the purpose of benefiting, promoting, or  
970 furthering the interests of a criminal gang as defined in s.  
971 874.03; ~~or~~

972 c. Arrested for any felony offense or attempted felony  
973 offense in this state; or

974 d. In the custody of a law enforcement agency and is  
975 subject to an immigration detainer issued by a federal  
976 immigration agency.

977 (3) COLLECTION OF SAMPLES.—

978 (a) Each qualifying offender shall submit a DNA sample at  
979 the time he or she is booked into a jail, correctional facility,  
980 or juvenile facility. A person who becomes a qualifying offender  
981 solely because of the issuance of an immigration detainer by a  
982 federal immigration agency must submit a DNA sample when the law  
983 enforcement agency having custody of the offender receives the  
984 detainer.

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

986 (f) A law enforcement agency having custody of a person who

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987 becomes a qualifying offender solely because of the issuance of  
988 an immigration detainer by a federal immigration agency shall  
989 ensure that a DNA sample is taken from the offender immediately  
990 after the agency receives the detainer and shall secure and  
991 transmit the sample to the department in a timely manner.

992 Section 18. Except as otherwise expressly provided in this  
993 act, this act shall take effect July 1, 2023.