

By Senator Martin

33-00594-26

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1                   A bill to be entitled  
2       An act relating to violations of state immigration  
3       laws; amending s. 908.11, F.S.; requiring the  
4       Department of Law Enforcement to impose a fine for  
5       certain violations; requiring the department to use  
6       the moneys collected from such fines to provide  
7       compensation to victims harmed by unauthorized aliens;  
8       creating s. 908.14, F.S.; defining the term  
9       "unauthorized alien"; requiring the department to  
10      develop a program to compensate residents who have  
11      suffered harm caused by unauthorized aliens; providing  
12      eligibility requirements for receiving compensation;  
13      requiring the department to adopt rules; creating s.  
14      908.15, F.S.; defining the term "unauthorized alien";  
15      creating a cause of action against certain local  
16      governmental entities and law enforcement agencies  
17      under certain circumstances; requiring the plaintiff  
18      in such actions to prove certain elements by a  
19      preponderance of the evidence; providing that the  
20      state waives sovereign immunity for liability under  
21      certain circumstances; amending s. 768.28, F.S.;  
22      conforming a provision to changes made by the act;  
23      providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. Subsection (3) is added to section 908.11,  
28   Florida Statutes, to read:

29       908.11 Immigration enforcement assistance agreements;

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30 reporting requirement.—

31 (3) The Department of Law Enforcement shall impose a fine  
32 of \$10,000 for each violation of this section and shall use the  
33 moneys collected from such fines to provide compensation to  
34 victims harmed by unauthorized aliens pursuant to s. 908.14.

35 Section 2. Section 908.14, Florida Statutes, is created to  
36 read:

37 908.14 Compensation for victims of unauthorized aliens.—

38 (1) As used in this section, the term “unauthorized alien”  
39 has the same meaning as in s. 908.111.

40 (2) The Department of Law Enforcement shall develop a  
41 program to compensate residents who have suffered harm caused by  
42 an unauthorized alien.

43 (3) In order to be eligible to receive compensation under  
44 this section:

45 (a) The act or omission that caused the harm must have  
46 occurred in this state on or after July 1, 2026;

47 (b) The preponderance of the evidence must show that an  
48 unauthorized alien materially contributed to the harm for which  
49 compensation is sought; and

50 (c) The person seeking compensation must complete a form  
51 prescribed by the department.

52 (4) The Department of Law Enforcement shall adopt rules to  
53 administer this section.

54 Section 3. Section 908.15, Florida Statutes, is created to  
55 read:

56 908.15 Cause of action for wrongful death caused by an  
57 unauthorized alien.—

58 (1) As used in this section, the term “unauthorized alien”

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59 has the same meaning as in s. 908.111.

60 (2) The estate of a person killed by an unauthorized alien  
61 has a cause of action against:

62 (a) A local governmental entity or law enforcement agency  
63 that has a sanctuary policy in violation of s. 908.103.

64 (b) A law enforcement agency in violation of s. 908.11 or  
65 in violation of the agreement required under that section.

66 (3) A plaintiff in such action must show by a preponderance  
67 of the evidence that a failure to cooperate or comply fully with  
68 federal immigration authorities or with an immigration detainer  
69 materially contributed to an unauthorized alien causing the  
70 decedent's death.

71 (4) Notwithstanding s. 768.28, and in accordance with s.  
72 13, Art. X of the State Constitution, the state waives sovereign  
73 immunity for liability for torts under this section.

74 Section 4. Subsection (21) is added to section 768.28,  
75 Florida Statutes, to read:

76 768.28 Waiver of sovereign immunity in tort actions;  
77 recovery limits; civil liability for damages caused during a  
78 riot; limitation on attorney fees; statute of limitations;  
79 exclusions; indemnification; risk management programs.—

80 (21) This section does not apply to an action brought under  
81 s. 908.15.

82 Section 5. This act shall take effect July 1, 2026.