A bill to be entitled

An act relating to immigration, law enforcement, and state-issued identification; providing a short title and purpose of the act; amending s. 20.60, F.S.; establishing the Office for New Americans in the Department of Commerce; providing responsibilities of the Office for New Americans; amending s. 322.08, F.S.; requiring proof of a specified identification number for certain applicants for a driver license; deleting a provision authorizing the Department of Highway Safety and Motor Vehicles to require applicants to produce certain documents from the United States Department of Homeland Security for certain purposes; authorizing additional specified documents issued by foreign governments to satisfy proof-of-identity requirements; providing that a driver license or temporary permit issued based on specified documents is valid for a specified period; deleting a provision authorizing applications to include fingerprints and other unique biometric means of identity; amending s. 322.12, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from waiving certain tests for applicants who provide proof of identity using specified foreign documents; amending s. 322.142, F.S.; providing a short title;

defining the term "agency that primarily enforces immigration law"; prohibiting the Department of Highway Safety and Motor Vehicles from disclosing or making accessible certain photographs and related information to any agency that primarily enforces immigration law or to any employee or agent of such agency; providing exceptions; requiring that the department notify a person about whom certain information was requested; requiring that the department require a person or entity to certify specified information before such person or entity receives or has access to certain information; requiring such person or entity to keep certain records for a specified period; requiring that such records be maintained in a manner and form prescribed by department rule and be available for inspection by the department; amending ss. 322.17, 322.18, and 322.19, F.S.; requiring a licensee to obtain a duplicate or replacement instruction permit or driver license, renew a driver license, or change his or her name or address, respectively, in person and upon submission of specified identification documents under certain circumstances; providing that a license or permit issued based on specified identification documents is valid for a specified period; repealing

s. 395.3027, F.S., relating to patient immigration status data collection; amending s. 402.308, F.S.; prohibiting certain entities from denying a license to a child care facility based on immigration status; amending s. 448.095, F.S.; removing requirement for certain private employers to use the E-Verify System; removing prohibition on employers from continuing to employ certain persons; authorizing employers, state contractors, and subcontractors to use the Employment Eligibility Verification form to verify work authorization status; removing provisions requiring subcontractors to provide a certain affidavit, terminating certain contracts, and providing a cause of action; amending s. 454.021, F.S.; removing provisions relating to a person's immigration status when admitting persons to practice law in this state; amending ss. 760.01, 760.05, 760.07, 760.08, 760.10, 760.23, 760.24, 760.25, 760.26, 760.29, and 760.60, F.S.; providing that discrimination based on a person's immigration status is unlawful; creating s. 760.45, F.S.; prohibiting a person or entity from discriminating against an individual because the individual holds or presents a driver license that does not comply with the REAL ID Act of 2005; prohibiting an employer from requiring an employee to present a driver license; providing exceptions; providing construction; prohibiting the state or a local government, an agent acting on behalf of the state or a local government, or a program or activity that receives financial assistance from the state from discriminating against an individual because the individual holds or presents a driver license that does not comply with the REAL ID Act of 2005; amending s. 775.0848, F.S.; revising the reclassification of certain penalties for offenses committed by persons who have been previously convicted of a crime relating to the reentry of removed aliens; repealing s. 787.07, F.S., relating to human smuggling; amending ss. 908.102, 908.1031, 908.1032, and 908.107, F.S.; conforming provisions to changes made by the act; repealing ss. 908.103, 908.105, and 908.106, F.S., relating to the prohibition of sanctuary policies, duties relating to immigration detainees, and the reimbursement of costs, respectively; amending s. 908.104, F.S.; requiring certain law enforcement agencies to facilitate a certain screening by a public defender of a person subject to a federal immigration detainer who is in the agency's custody; requiring such screening to be in the preferred language of the detainee; authorizing law enforcement agencies to decline to comply with a federal immigration detainer under certain circumstances; removing provisions relating to cooperation with federal immigration authorities; creating s. 908.1041, F.S.; providing definitions; prohibiting local law enforcement agencies and officers, sheriff's deputies, and federal immigration agencies from engaging in or cooperating with immigration enforcement activities or engaging in or cooperating with immigration enforcement activities pursuant to the Unauthorized Alien Transport Program within a specified distance of public or private schools, child care facilities, or religious institutions; providing an exception; requiring law enforcement agencies to submit to the Department of Law Enforcement a report within a specified timeframe; providing requirements for the report; providing disciplinary actions; amending s. 908.11, F.S.; prohibiting the sheriff or the chief correctional officer operating a county detention facility from entering into or renewing an immigration enforcement assistance agreement beginning on a date certain; requiring certain agencies to update the Department of Law Enforcement on the status of active or pending agreements starting on a date certain; requiring the department to establish certain training on immigration enforcement; creating s. 908.14, F.S.; providing a short title; providing definitions; requiring covered immigration officers to wear specified visible identification during public immigration enforcement functions; providing requirements for such visible identification; prohibiting covered immigration officers from wearing face coverings that impair the visibility of identifying information or obscure a covered immigration officer's face; providing an exception; providing duties of the State Board of Immigration Enforcement; requiring the State Immigration Enforcement Council to submit to the Legislature a specified report by a date certain; repealing s. 921.1426, F.S., relating to sentence of death for capital offense committed by unauthorized alien; amending s. 943.1718, F.S.; providing definitions; prohibiting law enforcement officers from wearing face coverings in the performance of their official duties; requiring specified advance notice be given to the sheriff under certain circumstances; providing applicability; providing criminal penalties; requiring the Department of Law Enforcement to adopt rules; amending s. 943.325, F.S.; authorizing, rather than requiring, certain qualifying offenders to submit a

DNA sample to a law enforcement agency; prohibiting law enforcement agencies from forcibly extracting DNA samples from certain persons; amending s. 1000.05, F.S.; providing definitions; prohibiting a child in this state from being denied a free public education based on the perceived or actual immigration status of the child or the child's parent or guardian; prohibiting schools from taking certain actions; requiring schools to develop certain procedures by a specified date; providing for a civil cause of action; requiring such action be filed within a certain timeframe; authorizing the court to award certain relief and reasonable attorney fees and costs; requiring schools to adopt certain policies by a specified date; amending s. 1002.31, F.S.; requiring district school boards to provide preferential treatment relating to open enrollment to specified children, regardless of their immigration status; amending s. 1003.21, F.S.; requiring specified children, regardless of their immigration status, to be admitted to their parent's or guardian's school of choice; amending s. 1009.26, F.S.; requiring specified entities to waive out-of-state fees for postsecondary and graduate students if certain conditions are met; revising the conditions under which such entities must waive out-of-state fees; providing that a student who receives a fee waiver is still eligible for state financial aid; amending s. 1009.40, F.S.; prohibiting the denial of resident status for purposes of financial aid to certain students based solely on their immigration status; amending ss. 435.04, 456.074, 480.041, 480.043, 775.30, 794.056, 921.0022, and 938.085, F.S.; conforming provisions to changes made by the act; amending s. 501.9741, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. (1) This act may be cited as the "Florida Economic Prosperity and Immigration Act."

(2) The purpose of this act is to show that although the administration of immigration is incredibly complex and immigration regulation is the role of the Federal Government, this state should do its part, when possible, by welcoming, valuing, and upholding the dignity of all immigrants who call the Sunshine State home.

Section 2. Paragraph (a) of subsection (3) of section 20.60, Florida Statutes, is amended to read:

20.60 Department of Commerce; creation; powers and duties.—

(3)(a) The following divisions and offices of the Department of Commerce are established:

1. The Division of Economic Development.

2. The Division of Community Development.

3. The Division of Workforce Services.

4. The Division of Finance and Administration.

5. The Division of Information Technology.

6. The Office of the Secretary.

7. The Office of Economic Accountability and Transparency, which shall:

a. Oversee the department's critical objectives as determined by the secretary and make sure that the department's key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department's priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the department; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

8. The Office for New Americans, which shall:

a. Create and implement a statewide strategy and program to foster and promote immigrant and refugee inclusion in this state in order to improve economic mobility, enhance civic participation, and improve receiving communities' openness to immigrants and refugees.

b. Address this state's workforce needs by connecting employers and job seekers within the immigrant and refugee community.

c. Serve as an information clearinghouse for state agencies on immigration-related policy issues and coordinate among agencies as appropriate to make policy recommendations.

d. Act as a point of contact for state licensing boards and other agencies dealing with professional regulations.

e. Identify and support implementation of programs and strategies, including the creation of alternative employment pathways, to reduce employment barriers for immigrants and refugees.

f. Work with state agencies and community and foundation partners to undertake studies and to research and analyze economic and demographic trends to better understand and serve this state's immigrant and refugee communities.

g. Coordinate and establish best practices for language access initiatives for all state agencies.

Section 3. Subsection (2) of section 322.08, Florida Statutes, is amended to read:

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

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

(a) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description. An applicant who cannot provide a social security card number must provide proof of a number associated with a document establishing identity, as specified in paragraph (c).

(b) Proof of birth date satisfactory to the department.

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

1. A driver license record or identification card record from another jurisdiction which complies with the REAL ID Act of 2005, Pub. L. No. 109-13, and which required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2.,

subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.~~;~~

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

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

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

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

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

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

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

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

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

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

d. An official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Citizenship and Immigration Services.

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

f. An order of an immigration judge or immigration officer granting relief <u>which</u> ~~that~~ authorizes the alien to live and work in the United States, including, but not limited to, asylum.

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

h. An unexpired passport issued by the government of another country with:

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

(II) An unexpired I-94, or current permanent resident card, or unexpired immigrant visa, issued by the Federal Government.

9. A passport issued by a foreign government.

10. A birth certificate issued by a foreign government.

11. A consular identification document.

12. A national identification card issued by a foreign government.

13. A driver license issued by a foreign government. If the foreign driver license is in a language other than English, the driver license must be accompanied by a certified translation or an affidavit of translation into English.

14. A school document, including any document issued by a public or private primary or secondary school or a postsecondary institution, college, or university, which either includes the applicant's date of birth or, if a foreign school document, is sealed by the school and includes a photograph of the applicant at the age the record was issued.

15. A court document issued by or filed with a state government in which the applicant is named as a party to a court proceeding.

16. An income tax return.

17. A marriage license on which the applicant is named as a party. If the language on the marriage license is a language other than English, the marriage license must be accompanied by a certified translation or an affidavit of translation into

English.

18. A judgment for the dissolution of a marriage on which the applicant is named as a party. If the language on the judgment is a language other than English, the judgment must be accompanied by a certified translation or an affidavit of translation into English.

A driver license or temporary permit issued based on documents required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph 9., subparagraph 10., subparagraph 11., subparagraph 12., or subparagraph 13. is valid for a period not to exceed the expiration date of the document presented or 8 years, whichever date first occurs. A driver license or temporary permit issued based on documents required in subparagraph 14., subparagraph 15., subparagraph 16., subparagraph 17., or subparagraph 18. is valid for 8 years ~~1 year~~.

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

~~(e) Each such application may include fingerprints and other unique biometric means of identity.~~

Section 4. Subsection (1) of section 322.12, Florida

Statutes, is amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified<u>, except for an applicant who provides proof of identity under s. 322.08(2)(c)9., 10., 11., 12., 13., 14., 15., 16., 17., or 18.,</u> and who surrenders a valid driver license from another state or a province of Canada, or a valid driver license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. An applicant who fails to pass the initial knowledge test incurs a $10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, except that if a subsequent test is administered by the tax collector, the tax collector shall retain such $10 fee, less the general revenue service charge set forth in s. 215.20(1). An applicant who fails to pass the initial skills test incurs a $20 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, except that if a subsequent test is administered by the tax collector, the tax collector shall retain such $20 fee, less the general revenue service charge set forth in s. 215.20(1). A person who seeks to retain a hazardous-materials endorsement,

pursuant to s. 322.57(1)(e), must pass the hazardous-materials test, upon surrendering his or her commercial driver license, if the person has not taken and passed the hazardous-materials test within 2 years before applying for a commercial driver license in this state.

Section 5. Subsection (4) of section 322.142, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

322.142 Color photographic or digital imaged licenses; protection of personal information.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital images and signatures ~~image and signature~~ of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from ~~the provisions of~~ s. 119.07(1) and may be made and issued only for any of the following purposes:

(a) For departmental administrative purposes.~~;~~

(b) For the issuance of duplicate licenses.~~;~~

(c) In response to law enforcement agency requests, except as provided in subsection (5).~~;~~

(d) To the Department of Business and Professional Regulation and the Department of Health pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or the Department of Health.~~;~~

(e) To the Department of State or a supervisor of elections pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075.~~;~~

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases.~~;~~

(g) To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415.~~;~~

(h) To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations.~~;~~

(i) To the Agency for Health Care Administration pursuant to an interagency agreement for the purpose of authorized agencies verifying photographs in the Care Provider Background Screening Clearinghouse authorized under s. 435.12.~~;~~

(j) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, the identification of fraudulent or false claims, and the investigation of allegations of violations of the insurance code by licensees and unlicensed persons.~~;~~

(k) To the Department of Commerce pursuant to an interagency agreement to facilitate the validation of reemployment assistance claims and the identification of fraudulent or false reemployment assistance claims.~~;~~

(l) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11.~~;~~

(m) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee.~~; or~~

(n) To the Agency for Health Care Administration pursuant to an interagency agreement to prevent health care fraud. If the Agency for Health Care Administration enters into an agreement with a private entity to carry out duties relating to health care fraud prevention, such contracts shall include, but need not be limited to:

1. Provisions requiring internal controls and audit processes to identify access, use, and unauthorized access of information.

2. A requirement to report unauthorized access or use to the Agency for Health Care Administration within 1 business day after the discovery of the unauthorized access or use.

3. Provisions for liquidated damages for unauthorized access or use of no less than $5,000 per occurrence.

(5)(a) This subsection shall be known and may be cited as the "Driver License Privacy Act."

(b) For purposes of this subsection, the term "agency that primarily enforces immigration law" includes, but is not limited to, United States Immigration and Customs Enforcement, United States Customs and Border Protection, or any successor agencies that have similar duties.

(c) Except as required for the department to issue or renew a driver license or learner's driver license that meets federal standards for identification, the department may not disclose or make accessible, in any manner, to any agency that primarily enforces immigration law or to any employee or agent of such agency, photographs and related information pertaining to persons whose image or personal identifying information is possessed by the department, unless the department is presented with a lawful court order or judicial warrant signed by a judge appointed under Article III of the United States Constitution. Within 3 days after receiving a request for information under this subsection from such an agency, the department must notify the person about whom such information was requested of the request and the identity of the agency that made such request.

(d) Before any person or entity receives or has access to information from the department under this subsection, the department must require such person or entity to certify to the department that the person or entity will not:

1. Use such information for civil immigration purposes; or

2. Disclose such information to any agency that primarily enforces immigration law or to any employee or agent of any such agency unless such disclosure is pursuant to a cooperative arrangement between municipal, state, and federal agencies, if the arrangement does not enforce immigration law and if the disclosure is limited to the specific information being sought pursuant to the arrangement.

(e) In addition to any records required to be kept pursuant to 18 U.S.C. s. 2721(c), any person or entity that receives or has access to information from the department under this subsection must keep both of the following records for a period of 5 years:

1. Records of all the uses of such department information.

2. Records that identify each person or entity that primarily enforces immigration law which receives such department information from the person or entity.

(f) The records identified in paragraph (e) must be maintained in a manner and form prescribed by department rule and must be available for inspection by the department.

Section 6. Subsection (3) of section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses and permits.—

(3) Notwithstanding any other provision ~~provisions~~ of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not obtain a duplicate or replacement instruction permit or driver license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~

Section 7. Paragraph (d) of subsection (2) and paragraph (c) of subsection (4) of section 322.18, Florida Statutes, are amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a driver license, as provided in this section, shall be issued a driver license, as follows:

(d)1. Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver license using a document authorized in s. 322.08(2)(c)7.-13. ~~s. 322.08(2)(c)7. or 8.~~, the driver license shall expire 8 years ~~1 year~~ after the date of issuance or upon the expiration date cited on the ~~United States Department of Homeland Security~~ documents, whichever date first occurs.

2. Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver license using a document authorized in s. 322.08(2)(c)14.-18., the driver license shall expire 8 years after the date of issuance.

(4)

(c)1. Notwithstanding any other provision of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7.-13. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not renew the driver license except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7.-13. ~~s. 322.08(2)(c)7. or 8.~~ A driver license renewed under this subparagraph ~~paragraph~~ expires 8 years ~~1 year~~ after the date of issuance or upon the expiration date cited on the ~~United States~~

~~Department of Homeland Security~~ documents, whichever date first occurs.

2. Notwithstanding any other provision of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)14.-18., the licensee may only renew the driver license in person and upon submission of an identification document authorized under s. 322.08(2)(c)14.-18. A driver license renewed under this subparagraph expires 8 years after the date of issuance.

Section 8. Subsection (5) of section 322.19, Florida Statutes, is amended to read:

322.19 Change of address, name, or citizenship status.—

(5) Notwithstanding any other provision of this chapter, if a licensee established his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not change his or her name or address except in person and upon submission of an identification document authorized under s. 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~

Section 9. Section 395.3027, Florida Statutes, is repealed.

Section 10. Subsection (6) is added to section 402.308, Florida Statutes, to read:

402.308 Issuance of license.—

(6) IMMIGRATION STATUS.—The department or a local licensing agency may not deny a child care facility a license or a license renewal based solely on the immigration status of a child under the care of the child care facility.

Section 11. Paragraph (f) of subsection (2) of section 448.095, Florida Statutes, is redesignated as paragraph (e), and paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (4), subsection (5), and paragraphs (a) and (b) of subsection (6) of that section are amended, to read:

448.095 Employment eligibility.—

(2) EMPLOYMENT VERIFICATION.—

(b)1. A public agency shall use the E-Verify system to verify a new employee's employment eligibility as required under paragraph (a).

~~2. Beginning on July 1, 2023, a private employer with 25 or more employees shall use the E-Verify system to verify a new employee's employment eligibility as required under paragraph (a).~~

2.~~3.~~ Each employer required to use the E-Verify system under this paragraph must certify on its first return each calendar year to the tax service provider that it is in compliance with this section when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system. An employer that voluntarily uses the E-Verify system may also make such a certification on its first return each calendar year in order to document such use.

~~(c) An employer may not continue to employ an unauthorized alien after obtaining knowledge that a person is or has become an unauthorized alien.~~

(4) DEFENSES.—

(a) An employer that uses the E-Verify system or~~, if that system is unavailable,~~ the Employment Eligibility Verification form (Form I-9) as provided in paragraph (2)(c), with respect to the employment of an unauthorized alien has established a rebuttable presumption that the employer has not violated s. 448.09 with respect to such employment.

(5) PUBLIC AGENCY CONTRACTING.—

~~(a)~~ A public agency must require in any contract that the contractor, and any subcontractor thereof, register with and use the E-Verify system <u>or the Employment Eligibility Verification form (Form I-9)</u> to verify the work authorization status of all new employees of the contractor or subcontractor. A public agency or a contractor or subcontractor thereof may not enter into a contract unless each party to the contract registers with and uses the E-Verify system <u>or the Employment Eligibility Verification form (Form I-9)</u>.

~~(b) If a contractor enters into a contract with a subcontractor, the subcontractor must provide the contractor with an affidavit stating that the subcontractor does not~~

~~employ, contract with, or subcontract with an unauthorized alien. The contractor shall maintain a copy of such affidavit for the duration of the contract.~~

~~(c)1. A public agency, contractor, or subcontractor who has a good faith belief that a person or an entity with which it is contracting has knowingly violated s. 448.09(1) shall terminate the contract with the person or entity.~~

~~2. A public agency that has a good faith belief that a subcontractor knowingly violated this subsection, but the contractor otherwise complied with this subsection, shall promptly notify the contractor and order the contractor to immediately terminate the contract with the subcontractor.~~

~~3. A contract terminated under this paragraph is not a breach of contract and may not be considered as such. If a public agency terminates a contract with a contractor under this paragraph, the contractor may not be awarded a public contract for at least 1 year after the date on which the contract was terminated. A contractor is liable for any additional costs incurred by a public agency as a result of the termination of a contract.~~

~~(d) A public agency, contractor, or subcontractor may file a cause of action with a circuit or county court to challenge a termination under paragraph (c) no later than 20 calendar days after the date on which the contract was terminated.~~

(6) COMPLIANCE.—

(a) In addition to the requirements under s. 288.061(6), beginning on July 1, 2024, if the Department of Commerce determines that an employer failed to use the E-Verify system or the Employment Eligibility Verification form (Form I-9) to verify the employment eligibility of employees as required under this section, the department must notify the employer of the department's determination of noncompliance and provide the employer with 30 days to cure the noncompliance.

(b) If the Department of Commerce determines that an employer failed to use the E-Verify system or the Employment Eligibility Verification form (Form I-9) as required under this section three times in any 24-month period, the department must impose a fine of $1,000 per day until the employer provides sufficient proof to the department that the noncompliance is cured. Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to chapter 120 until the noncompliance is cured.

Section 12. Subsection (3) of section 454.021, Florida Statutes, is amended to read:

454.021 Attorneys; admission to practice law; Supreme Court to govern and regulate.—

(3) Upon certification by the Florida Board of Bar Examiners that an applicant ~~who is an unauthorized immigrant who was brought to the United States as a minor; has been present in the United States for more than 10 years; has received~~

~~documented employment authorization from the United States Citizenship and Immigration Services (USCIS); has been issued a social security number; if a male, has registered with the Selective Service System if required to do so under the Military Selective Service Act, 50 U.S.C. App. 453; and~~ has fulfilled all requirements for admission to practice law in this state, the Supreme Court of Florida may admit that applicant as an attorney at law authorized to practice in this state and may direct an order be entered upon the court's records to that effect.

Section 13. Subsection (2) of section 760.01, Florida Statutes, is amended to read:

760.01 Purposes; construction; title.—

(2) The general purposes of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, <u>immigration status,</u> or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

Section 14. Section 760.05, Florida Statutes, is amended to read:

760.05 Functions of the commission.—The commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups; and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members.

Section 15. Section 760.07, Florida Statutes, is amended to read:

760.07 Remedies for unlawful discrimination.—Any violation of any Florida statute that makes unlawful discrimination because of race, color, religion, gender, pregnancy, national origin, age, handicap, immigration status, or marital status in the areas of education, employment, or public accommodations gives rise to a cause of action for all relief and damages described in s. 760.11(5), unless greater damages are expressly provided for. If the statute prohibiting unlawful discrimination provides an administrative remedy, the action for equitable relief and damages provided for in this section may be initiated only after the plaintiff has exhausted his or her administrative remedy. The term "public accommodations" does not include lodge halls or other similar facilities of private organizations which are made available for public use occasionally or periodically. The right to trial by jury is preserved in any case in which the plaintiff is seeking actual or punitive damages.

Section 16. Section 760.08, Florida Statutes, is amended to read:

760.08 Discrimination in places of public accommodation.—All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, national origin, sex, pregnancy, handicap, familial status, <u>immigration status,</u> or religion.

Section 17. Subsections (1) and (2), paragraphs (a) and (b) of subsection (3), subsections (4), (5), and (6), and paragraph (a) of subsection (9) of section 760.10, Florida Statutes, are amended to read:

760.10 Unlawful employment practices.—

(1) It is an unlawful employment practice for an employer:

(a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, <u>immigration status,</u> or marital status.

(b) To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status.

(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status.

(3) It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status.

(b) To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status.

(4) It is an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status in admission to, or employment in, any program established to provide apprenticeship or other training.

(5) Whenever, in order to engage in a profession, occupation, or trade, it is required that a person receive a license, certification, or other credential, become a member or an associate of any club, association, or other organization, or pass any examination, it is an unlawful employment practice for any person to discriminate against any other person seeking such license, certification, or other credential, seeking to become a member or associate of such club, association, or other organization, or seeking to take or pass such examination, because of such other person's race, color, religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status.

(6) It is an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee to print, or cause to be printed or published, any

notice or advertisement relating to employment, membership, classification, referral for employment, or apprenticeship or other training, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, pregnancy, national origin, age, absence of handicap, immigration status, or marital status.

(9) Notwithstanding any other provision of this section, it is not an unlawful employment practice under ss. 760.01-760.10 for an employer, employment agency, labor organization, or joint labor-management committee to:

(a) Take or fail to take any action on the basis of religion, sex, pregnancy, national origin, age, handicap, immigration status, or marital status in those certain instances in which religion, sex, condition of pregnancy, national origin, age, absence of a particular handicap, immigration status, or marital status is a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action or inaction is related.

Section 18. Subsections (1) through (5) of section 760.23, Florida Statutes, are amended to read:

760.23 Discrimination in the sale or rental of housing and other prohibited practices.—

(1) It is unlawful to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a

dwelling to any person because of race, color, national origin, sex, disability, familial status, immigration status, or religion.

(2) It is unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, sex, disability, familial status, immigration status, or religion.

(3) It is unlawful to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, national origin, sex, disability, familial status, immigration status, or religion or an intention to make any such preference, limitation, or discrimination.

(4) It is unlawful to represent to any person because of race, color, national origin, sex, disability, familial status, immigration status, or religion that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) It is unlawful, for profit, to induce or attempt to induce any person to sell or rent any dwelling by a representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color,

national origin, sex, disability, familial status, immigration status, or religion.

Section 19. Section 760.24, Florida Statutes, is amended to read:

760.24 Discrimination in the provision of brokerage services.—It is unlawful to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, national origin, sex, disability, familial status, immigration status, or religion.

Section 20. Subsection (1) and paragraph (a) of subsection (2) of section 760.25, Florida Statutes, are amended to read:

760.25 Discrimination in the financing of housing or in residential real estate transactions.—

(1) It is unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise the business of which consists in whole or in part of the making of commercial real estate loans to deny a loan or other financial assistance to a person applying for the loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the

amount, interest rate, duration, or other term or condition of such loan or other financial assistance, because of the race, color, national origin, sex, disability, familial status, <u>immigration status,</u> or religion of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or because of the race, color, national origin, sex, disability, familial status, <u>immigration status,</u> or religion of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

(2)(a) It is unlawful for any person or entity whose business includes engaging in residential real estate transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, national origin, sex, disability, familial status, <u>immigration status,</u> or religion.

Section 21. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on race, color, national origin, sex, disability, familial status, <u>immigration status,</u> religion, or, except as otherwise provided by law, the source of financing of a development or proposed development.

Section 22. Subsection (2) and paragraph (a) of subsection (5) of section 760.29, Florida Statutes, are amended to read:

760.29 Exemptions.—

(2) Nothing in ss. 760.20-760.37 prohibits a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, ~~or~~ national origin, or immigration status. Nothing in ss. 760.20-760.37 prohibits a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(5) Nothing in ss. 760.20-760.37:

(a) Prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, national origin, sex, disability, familial status, immigration status, or religion.

Section 23. Section 760.45, Florida Statutes, is created to read:

<u>760.45 Discrimination on the basis of certain driver licenses prohibited.—</u>

<u>(1) A person or an entity, including a business establishment or an employer, may not discriminate against an individual because the individual holds or presents a driver license that does not comply with the REAL ID Act of 2005, Pub. L. No. 109-13.</u>

<u>(2) An employer may not require an employee to present a driver license unless possessing a driver license is required by law or is lawfully required by the employer. This subsection may not be construed to limit or expand an employer's authority to require an employee to possess a driver license.</u>

<u>(3) This section may not be construed to do either of the following:</u>

<u>(a) Alter an employer's rights or obligations under the Immigration and Nationality Act, 8 U.S.C. s. 1324(a), regarding obtaining documentation that evidences identity and authorization for employment.</u>

<u>(b) Prohibit any other action taken by an employer which is required under 8 U.S.C. s. 1324a(a).</u>

<u>(4) The state or a local government; an agent or a person acting on behalf of the state or a local government; or a</u>

<u>program or activity that is funded directly by, or receives financial assistance from, the state may not discriminate against an individual because the individual holds or presents a driver license that does not comply with the REAL ID Act of 2005, Pub. L. No. 109-13. This prohibition includes, but is not limited to, notifying a law enforcement agency of the individual's identity or that the individual holds a driver license that does not comply with the REAL ID Act of 2005, Pub. L. No. 109-13, if notification is not required by law or would not have been provided if the individual's driver license had been compliant with such act.</u>

Section 24. Subsection (1) of section 760.60, Florida Statutes, is amended to read:

760.60 Discriminatory practices of certain clubs prohibited; remedies.—

(1) It is unlawful for a person to discriminate against any individual because of race, color, religion, gender, national origin, handicap, age above the age of 21, <u>immigration status,</u> or marital status in evaluating an application for membership in a club that has more than 400 members, that provides regular meal service, and that regularly receives payment for dues, fees, use of space, facilities, services, meals, or beverages directly or indirectly from nonmembers for business purposes. It is unlawful for a person, on behalf of such a club, to publish, circulate, issue, display, post, or

mail any advertisement, notice, or solicitation that contains a statement to the effect that the accommodations, advantages, facilities, membership, or privileges of the club are denied to any individual because of race, color, religion, gender, national origin, handicap, age above the age of 21, immigration status, or marital status. This subsection does not apply to fraternal or benevolent organizations, ethnic clubs, or religious organizations where business activity is not prevalent.

Section 25. Section 775.0848, Florida Statutes, is amended to read:

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

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

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

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

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

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

Section 26. Section 787.07, Florida Statutes, is repealed.

Section 27. Subsection (6) of section 908.102, Florida Statutes, is amended to read:

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

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

~~(a) Complying with an immigration detainer;~~

~~(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;~~

~~(c) Providing a federal immigration agency access to an inmate for interview;~~

~~(d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357 as required by s. 908.11;~~

~~(e) Providing a federal immigration agency with an~~

~~inmate's incarceration status or release date;~~

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

~~(g) Executing a lawful judicial warrant; or~~

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

Section 28. Sections 908.103, 908.105, and 908.106, Florida Statutes, are repealed.

Section 29. Paragraph (h) is added to subsection (3) of section 908.1031, Florida Statutes, to read:

908.1031 State Board of Immigration Enforcement; creation; purpose and duties.—

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

(h) Investigate any complaints received for violations of and otherwise enforce the Visible Identification Standards for Immigration-Based Law Enforcement Act pursuant to s. 908.14.

Section 30. Paragraph (i) is added to subsection (4) of section 908.1032, Florida Statutes, to read:

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

(4) The council shall:

(i) Collect data relating to the Visible Identification Standards for Immigration-Based Law Enforcement Act and, by June 30 of each year, submit to the President of the Senate and the Speaker of the House of Representatives a report in accordance with s. 908.14.

Section 31. Section 908.104, Florida Statutes, is amended to read:

908.104 Cooperation with federal immigration authorities.—To ensure compliance with Title VII of the Civil Rights Act of 1964,

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

~~(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a~~

~~person's immigration status:~~

~~(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.~~

~~(b) Recording and maintaining the information for purposes of this chapter.~~

~~(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.~~

~~(d) Using the information to comply with an immigration detainer.~~

~~(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.~~

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

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

~~(4)(a) For purposes of this subsection, the term "applicable criminal case" means a criminal case in which:~~

~~1. The judgment requires the defendant to be confined in a secure correctional facility; and~~

~~2. The judge:~~

~~a. Indicates in the record under s. 908.105 that the~~

~~defendant is subject to an immigration detainer; or~~

~~b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.~~

~~(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.~~

~~(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.~~

~~(5)~~ when a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency <u>must facilitate</u>

a screening of the person by a public defender to determine if the person is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering. The screening must be in the preferred language of the person being detained. If the public defender determines that the person is a necessary witness or victim of the aforementioned acts, the county correctional facility or the Department of Corrections may decline to comply with the federal immigration detainer. Otherwise, the county correctional facility or the Department of Corrections may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

~~(6) Upon request from a federal immigration agency, a sheriff or chief correctional officer operating a county~~

~~detention facility must provide the requesting federal immigration agency a list of all inmates booked into a county detention facility and any information regarding each inmate's immigration status.~~

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

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

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

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

~~(9) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the~~

~~alien witnessed or reported a crime or was a victim of a criminal offense.~~

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

Section 32. Section 908.1041, Florida Statutes, is created to read:

908.1041 Prohibition against engaging in immigration enforcement activities near public and private schools, child care facilities, or religious institutions.—

(1) As used in this section, the term:

(a) "Child care facility" has the same meaning as in s. 402.302.

(b) "Immigration enforcement activities" means any action by a law enforcement officer or agency, including, but not limited to, the identification, detention, questioning,

<u>investigation, or arrest of individuals based on their immigration status.</u>

<u>(c) "Private school" has the same meaning as in s. 1002.01.</u>

<u>(d) "Public school" means any facility or location providing primary or secondary education, including, but not limited to, public K-12 schools, charter schools, and school grounds.</u>

<u>(e) "Religious institution" means any building or space primarily used for religious worship or practices, including, but not limited to, a church, synagogue, mosque, temple, and other place of religious gathering.</u>

<u>(2) A law enforcement agency, law enforcement officer, sheriff's deputy, or federal immigration agency may not engage in or cooperate with immigration enforcement activities or engage in or cooperate with immigration enforcement activities pursuant to the Unauthorized Alien Transport Program under s. 908.13 within 500 feet of any public or private school, child care facility, or religious institution, except in cases of exigent circumstances when immediate action is necessary to prevent harm or death. A local law enforcement agency, law enforcement officer, sheriff's deputy, or federal immigration agency may not:</u>

<u>(a) Use agency resources, personnel, or authority to question, detain, or arrest individuals solely based on their</u>

immigration status on the grounds of, or within 500 feet of, a public or private school, child care facility, or religious institution.

(b) Collaborate with federal immigration agency authorities for immigration enforcement purposes within or around the areas described in this subsection unless authorized to do so by a court with jurisdiction over the matter.

(3) This section does not prohibit a local law enforcement agency, law enforcement officer, sheriff's deputy, or federal immigration agency from engaging in activities related to criminal investigations, emergency responses, or school safety as authorized by law, provided such activities do not involve immigration enforcement activities.

(4) By August 1, 2026, each local law enforcement agency shall submit to the Department of Law Enforcement a report detailing policies and protocols for compliance with this section, including training protocols for officers.

(5) A local law enforcement agency, law enforcement officer, or sheriff's deputy who violates this section may be subject to disciplinary action by the local governmental entity, including suspension, dismissal, or loss of funding for local enforcement efforts.

Section 33. Subsections (3) and (4) of section 908.107, Florida Statutes, are amended to read:

908.107 Enforcement.—

~~(3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.~~

~~(4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.~~

Section 34. Section 908.11, Florida Statutes, is amended to read:

908.11 Immigration enforcement assistance agreements; reporting requirement.—

(1) Beginning January 1, 2027, the sheriff or the chief correctional officer operating a county detention facility may not ~~must~~ enter into or renew a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. The State Board of Immigration Enforcement must approve the termination of any such agreement. ~~This subsection does not require a sheriff or chief correctional officer operating a county detention facility to participate in a particular program model.~~

(2) Beginning no later than April 1, 2025, ~~and until~~ the

sheriff or chief correctional officer operating a county detention facility that has such a ~~enters into the~~ written agreement ~~required under subsection (1), each sheriff or chief correctional officer operating a county detention facility~~ must notify the State Board of Immigration Enforcement ~~quarterly of~~ the status of any active or pending agreement.

(3) The Department of Law Enforcement must establish a regular training schedule to educate relevant employees and other state entities that collaborate with federal agencies about current immigration enforcement policies and priorities ~~such written agreement and any reason for noncompliance with this section, if applicable~~.

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

908.14 Visible Identification Standards for Immigration-Based Law Enforcement Act.—

(1) This act may be cited as the "VISIBLE Act."

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

(a) "Covered immigration officer" means a person who is authorized to perform immigration enforcement functions and who is:

1. An officer or employee of a law enforcement agency;

2. An officer or employee of United States Customs and Border Protection;

3. An officer or employee of United States Immigration and

Customs Enforcement; or

4. A person authorized, deputized, or designated under federal law, regulation, or agreement to perform immigration enforcement functions.

(b) "Public immigration enforcement function" means any activity that involves the direct exercise of federal immigration authority through public-facing actions, including a patrol, a stop, an arrest, a search, an interview to determine immigration status, a raid, a checkpoint inspection, or the service of a judicial or administrative warrant. The term does not include covert, nonpublic operations or nonenforcement activities.

(c) "Visible identification" means the display of the name or widely recognized initials of the employing agency of a covered immigration officer and the officer's last name or badge or identification number in a size and format that complies with the requirements in subsection (4).

(3) A covered immigration officer who directly engages in a public immigration enforcement function within this state must wear visible identification at all times during such engagement.

(4) The visible identification must:

(a) For the employing agency of the covered immigration officer, be displayed in a size and format that is clearly legible from a distance of not less than 25 feet, using materials or markings suitable for visibility in both daylight and low-light conditions under normal operational conditions.

(b) For the covered immigration officer's last name or badge or identification number, be displayed in a manner that is clearly visible and readable during direct engagement with the public.

(c) Be displayed on the covered immigration officer's outermost garment or gear and may not be obscured by tactical equipment, body armor, or accessories.

(5) A covered immigration officer may not wear nonmedical face coverings, including masks or balaclavas, which impair the visibility of the identifying information required under this section or obscure the officer's face unless such face covering is necessary to protect the integrity of a covert, nonpublic operation or to guard against hazardous environmental conditions.

(6) The State Board of Immigration Enforcement shall do all of the following:

(a) Receive and investigate complaints from the public concerning violations of this section.

(b) Ensure that a covered immigration officer who fails to comply with the requirements of this section receives appropriate disciplinary action, including a written reprimand, suspension, or other personnel action, consistent with the policies of the officer's employing agency and any applicable collective bargaining agreement.

(c) Make recommendations to the Legislature concerning compliance with this section and corrective actions that should be taken.

(d) Carry out its responsibilities under this section in accordance with its statutory authority.

(7) By June 30, 2027, and annually thereafter, the State Immigration Enforcement Council shall submit to the President of the Senate and the Speaker of the House of Representatives a report that includes all of the following information:

(a) The total number of public immigration enforcement functions conducted during the reporting period.

(b) The number of documented instances of noncompliance with this section.

(c) A summary of disciplinary or remedial actions taken against any covered immigration officer who did not comply with this section.

Section 36. Section 921.1426, Florida Statutes, is repealed.

Section 37. Section 943.1718, Florida Statutes, is amended to read:

943.1718 Body cameras and face coverings; policies and procedures; penalties.—

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

(a) "Body camera" means a portable electronic recording device that is worn on a law enforcement officer's person that records audio and video data of the officer's law-enforcement-related encounters and activities.

(b)1. "Face covering" means any opaque mask, garment, helmet, or other item, including, but not limited to, a balaclava, tactical mask, gator, ski mask, or any other similar type of facial covering or face-shielding item, which conceals or obscures the face of a person.

2. The term does not include any of the following:

a. A translucent face shield or clear mask that does not conceal the wearer's face.

b. A medical mask or surgical mask used to protect against the transmission of disease or infection.

c. Any other mask or device, including, but not limited to, air-purifying respirators, full or half masks, or self-contained breathing apparatuses necessary to protect against exposure to a toxin, gas, smoke, or any other hazardous environmental condition.

(c) ~~(b)~~ "Law enforcement agency" means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers as defined in s. 943.10.

(d) ~~(c)~~ "Law enforcement officer" has the same meaning as provided in s. 943.10.

(e) "Undercover investigation" means a planned act authorized by a law enforcement agency or a court order which uses an undercover operative to intentionally interact with a suspect or others or to obtain evidence of criminal activity.

(f) "Undercover operative" means a law enforcement officer or a full-time sworn officer in this state or another state or the Federal Government using an assumed name or cover identity to interact with persons or entities to collect evidence of criminal activity.

(2) BODY CAMERAS.—

(a) A law enforcement agency that permits its law enforcement officers to wear body cameras shall establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras. The policies and procedures must include:

1.~~(a)~~ General guidelines for the proper use, maintenance, and storage of body cameras.

2.~~(b)~~ Any limitations on which law enforcement officers are permitted to wear body cameras.

3.~~(c)~~ Any limitations on law-enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras.

4.~~(d)~~ A provision permitting a law enforcement officer using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. Any such provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

5.~~(e)~~ General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

(b)~~(3)~~ A law enforcement agency that permits its law enforcement officers to wear body cameras shall:

1.~~(a)~~ Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency's policies and procedures concerning them.

2.~~(b)~~ Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency's policies and procedures.

3.~~(c)~~ Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, except as otherwise provided by law.

4.~~(d)~~ Perform a periodic review of actual agency body camera practices to ensure conformity with the agency's policies and procedures.

(c)~~(4)~~ Chapter 934 does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras.

(3) FACE COVERINGS.—

(a) A law enforcement officer may not wear a face covering in the performance of his or her official duties.

(b) Before undertaking an undercover investigation that is reasonably likely to involve a law enforcement officer wearing a face covering in the performance of his or her official duties, a law enforcement agency must provide advance notice to the sheriff with jurisdiction over the location in which the undercover investigation takes place. Such notice must be given at least 12 hours before the undercover investigation begins and must include when and where the law enforcement officer will be operating, his or her planned actions, and the approximate time and duration of the undercover investigation.

(c) Paragraph (a) does not apply to:

1. A law enforcement officer performing his or her duties as an undercover operative during an active undercover investigation;

2. Protective gear used by a Special Weapons and Tactics (SWAT) team officer which is necessary to protect his or her face from harm while performing SWAT team duties and responsibilities; or

3. Exigent circumstances that involve an immediate danger or threat to persons or property or the escape of a perpetrator.

(d) A first violation of this subsection is an infraction. A second or subsequent violation of this subsection is a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083.

(e) On or before October 1, 2026, the Department of Law Enforcement shall adopt rules regulating the use of face coverings to comply with this subsection.

Section 38. Paragraphs (b) and (c) of subsection (3) of section 943.325, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and paragraph (a) of subsection (3) and paragraphs (b) and (f) of subsection (7) of that section are amended, to read:

943.325 DNA database.—

(3) COLLECTION OF SAMPLES.—

(a) Each qualifying offender must ~~shall~~ submit a DNA sample at the time he or she is booked into a jail, correctional facility, or juvenile facility.

(b) A person who becomes a qualifying offender solely because of the issuance of an immigration detainer by a federal immigration agency may ~~must~~ submit a DNA sample when the law enforcement agency having custody of the offender receives the detainer. A law enforcement agency may not forcibly extract a DNA sample from such person and the person may not be charged with a criminal offense solely for refusing to submit a DNA sample.

(7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

(b) Arrested qualifying offenders must submit a DNA sample at the time they are booked into a jail, correctional facility, or juvenile facility, except as provided in paragraph (3)(b).

~~(f) A law enforcement agency having custody of a person who becomes a qualifying offender solely because of the issuance of an immigration detainer by a federal immigration agency shall ensure that a DNA sample is taken from the offender immediately after the agency receives the detainer and shall secure and transmit the sample to the department in a timely manner.~~

Section 39. Subsection (9) of section 1000.05, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.—

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

1. "Citizenship or immigration status" means any matter regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including a person's nationality and country of citizenship.

2. "Law enforcement agent" means an agent of federal, state, or local law enforcement who has the power to arrest or detain a person or manage the custody of a detained person for a law enforcement purpose, including civil immigration enforcement. The term does not include a safe-school officer under s. 1006.12.

3. "Nonjudicial warrant" means a warrant issued by a federal, state, or local agency with the power to arrest or detain a person for any law enforcement purpose, including civil immigration enforcement. The term includes an immigration detainer as defined in s. 908.102. The term does not include a criminal warrant issued upon a judicial determination of probable cause in compliance with the requirements of the Fourth Amendment to the United States Constitution or s. 12, Art. I of the State Constitution.

4. "Prevailing party" means a party:

a. Who obtains some of his or her requested relief through a judicial judgment in his or her favor;

b. Who obtains some of his or her requested relief through a settlement agreement approved by the court; or

c. Whose pursuit of a nonfrivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

5. "School" means a public school, school district, and governing body, including a charter school, and agents thereof, including a contracted party.

(b) A child in this state may not be denied a free public education through secondary school based on the perceived or actual immigration status of the child or perceived or actual citizenship or immigration status of the child's parent or guardian.

(c) A school may not:

1. Exclude a child from participation in or deny a child the benefits of a program or an activity on the grounds of the perceived or actual immigration status of the child or the perceived or actual citizenship or immigration status of the child's parent or guardian.

2. Use policies or procedures or engage in practices that have the effect of excluding a child from participation in or denying the benefits of a program or an activity or the effect of excluding participation of the child's parent or guardian from parental engagement activities or programs because of the perceived or actual immigration status of the child or the perceived or actual citizenship or immigration status of the child's parent or guardian. These policies, procedures, and practices include both of the following:

a. Requesting or collecting information or documentation from a student or a student's parent or guardian about citizenship or immigration status unless required by state or federal law.

b. Designating immigration status, citizenship, place of birth, nationality, or national origin as directory information as defined in 20 U.S.C. s. 1232g(a)(5).

3. Threaten to disclose anything relating to the actual or perceived citizenship or immigration status of a child or the child's parent or guardian to any other person, entity,

immigration agency, or law enforcement agency.

4. Disclose anything relating to the perceived citizenship or immigration status of a child or the child's parent or guardian to any other person, entity, immigration agency, or law enforcement agency if the school does not have direct knowledge of the actual citizenship or immigration status of the child, parent, or guardian, subject to the requirements of this paragraph.

5. Disclose anything relating to the actual citizenship or immigration status of a child or the child's parent or guardian to any other person or nongovernmental entity if the school has direct knowledge of the actual citizenship or immigration status of the child, parent, or guardian, subject to the requirements of this paragraph.

This paragraph does not authorize the disclosure of student records or information without complying with state and federal requirements governing the disclosure of such records or information. This paragraph does not prohibit or restrict an entity from sending to or receiving from the United States Department of Homeland Security or any other federal, state, or local governmental entity information regarding the citizenship or immigration status of a person under 8 U.S.C. ss. 1373 and 1644.

(d) By October 1, 2026, a school must develop procedures for reviewing and authorizing requests from a law enforcement agent attempting to enter a school or school facility. The procedures must comply with the requirements of this subsection and, at a minimum, include all of the following:

1. Procedures for reviewing and contacting a designated authorized person at the school, school facility, district superintendent's office, or school administrative office who may contact the school's legal counsel.

2. Procedures for the person authorized in subparagraph 1. or the school's legal counsel to review all of the following:

a. Requests to enter a school or a school facility.

b. Judicial warrants.

c. Nonjudicial warrants.

d. Subpoenas.

3. Procedures for monitoring, accompanying, and documenting all interactions with a law enforcement agent while on school premises.

4. Procedures for notifying and seeking consent from a student's parent or guardian, or from the student if the student is 18 years of age or older or emancipated, if a law enforcement agent requests access to a student for immigration enforcement purposes, unless a judicial warrant or subpoena restricts the disclosure of the information to the student's parent or guardian.

(e)1. Beginning October 1, 2026, a party aggrieved by conduct that violates this subsection may file a civil action in a court of competent jurisdiction. The aggrieved party must file such action within 2 years after the violation occurred. If the court finds that a willful violation of paragraph (c) has occurred, the court may award actual damages. The court may grant any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order.

2. Upon a motion, the court must award reasonable attorney fees and costs to a plaintiff who is a prevailing party in any action brought under this paragraph.

3. This paragraph may not be construed to require a plaintiff to exhaust all administrative remedies before filing a civil action.

(f) By October 1, 2026, a school must adopt policies for complying with this subsection.

Section 40. Paragraph (c) of subsection (2) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.—

(2)

(c) Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following:

1. Dependent children of active duty military personnel whose move resulted from military orders.

2. Children who have been relocated due to a foster care placement in a different school zone.

3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.

4. Students residing in the school district.

5. Children who are experiencing homelessness and children known to the department, as defined in s. 39.0016(1), regardless of their immigration status.

Section 41. Paragraph (f) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(f) Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016(1), regardless of their immigration status ~~s. 39.0016~~, must have access to a free public education and in accordance with s. 1002.31 must be admitted to the school of their parent's or guardian's choice, contingent on the school's capacity, in the school district in which they or their families or guardian live. School districts shall assist such children in meeting the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

Section 42. Paragraphs (a), (b), and (c) of subsection (12) of section 1009.26, Florida Statutes, are amended to read:

1009.26 Fee waivers.—

(12)(a) A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall waive out-of-state fees for undergraduate and graduate students who are citizens of the United States or lawfully present in the United States who meet the following conditions:

1. Attended a secondary school in this state for 2 ~~3~~ ~~consecutive~~ years ~~immediately~~ before graduating from a high school in this state or received a high school equivalency diploma under s. 1003.435;

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

3. Submit an official Florida high school or postsecondary school transcript as evidence of attendance and graduation. In lieu of an official high school transcript, a student may submit a high school equivalency diploma under s. 1003.435.

(b) Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student. The waiver is applicable for 110 percent of the required credit hours of the undergraduate or graduate degree or certificate program for which the student is enrolled. Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection. By October 1 of each year, the Board of Governors for the state universities and the State Board of Education for Florida College System institutions, career centers operated by a school district under s. 1001.44, and charter technical career centers shall annually report for the previous academic year the percentage of resident and nonresident students enrolled systemwide.

(c) A state university student granted an out-of-state fee waiver under this subsection must be considered a nonresident student for purposes of calculating the systemwide total enrollment of nonresident students as limited by regulation of the Board of Governors. ~~In addition,~~ A student who is granted an out-of-state fee waiver under this subsection is ~~not~~ eligible for state financial aid under part III of this chapter and <u>may</u> ~~must~~ not be reported as a resident for tuition purposes.

Section 43. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1)(a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or Florida College System institution; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the State Board of Education; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.521, s. 1009.53, s. 1009.60, s. 1009.62, s. 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s. 1009.89, or s. 1009.894. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21. <u>However, a student may not be denied classification as a resident for purposes of receiving state financial aid based solely on the student's immigration status if he or she has met the conditions for an out-of-state fee waiver under s. 1009.26(12)(a).</u>

3. Submission of certification attesting to the accuracy,

completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of a pending application and revocation of an award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants commit a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

Section 44. Paragraph (w) of subsection (2) of section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

~~(w) Section 787.07, relating to human smuggling.~~

Section 45. Paragraph (e) of subsection (4) and paragraph (i) of subsection (5) of section 456.074, Florida Statutes, are

amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(4) The department shall issue an emergency order suspending the license of a massage therapist and establishment as those terms are defined in chapter 480 upon receipt of information that the massage therapist; the designated establishment manager as defined in chapter 480; an employee of the establishment; a person with an ownership interest in the establishment; or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been arrested for committing or attempting, soliciting, or conspiring to commit, or convicted or found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07 or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

~~(e) Section 787.07, relating to human smuggling.~~

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

~~(i) Section 787.07, relating to human smuggling.~~

Section 46. Paragraph (e) of subsection (6) of section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

(6) The board shall deny an application for a new or renewal license if an applicant has been convicted or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

~~(e) Section 787.07, relating to human smuggling.~~

Section 47. Paragraph (e) of subsection (8) of section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.—

(8) The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager or, for a corporation that has more than $250,000 of business assets in this state, an establishment owner, a designated establishment manager, or any individual directly involved in the management of the establishment has been convicted of or entered a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication,

related to prostitution or related acts as described in s. 796.07 or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

~~(e) Section 787.07, relating to human smuggling.~~

Section 48. Subsection (5) of section 501.9741, Florida Statutes, is amended to read:

501.9741 Assisting in veterans' benefits matters.—

(5) BACKGROUND SCREENING.—A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for any offenses identified in s. 408.809(4) or s. 435.04(2)(d), (e), or (nn) or (4) ~~s. 435.04(2)(d), (e), or (oo) or (4)~~ before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), which shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Veterans' Affairs shall transmit the background screening results to the provider, which results must indicate whether an individual's background screening contains any of the offenses listed in this subsection. Fees for state and federal fingerprint processing must be borne by the provider or individual. The state cost for fingerprint processing is as provided in s. 943.053(3)(e). This subsection does not imply endorsement, certification, or

regulation of providers by the Department of Veterans' Affairs.

Section 49. Subsection (2) of section 775.30, Florida Statutes, is amended to read:

775.30 Terrorism; defined; penalties.—

(2) A person who violates s. 782.04(1)(a)1. or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s. 787.01, s. 787.02, ~~s. 787.07,~~ s. 790.115, s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 50. Subsection (1) of section 794.056, Florida Statutes, is amended to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or

nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; ~~s. 787.07;~~ s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 51. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description

104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent

		predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
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.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed

		with firearm or dangerous weapon.
810.145(3)(b)	3rd	Digital voyeurism dissemination.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
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.
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.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property

		stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
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.
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 estreature 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.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
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).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.

934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

Section 52. Section 938.085, Florida Statutes, is amended to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.

787.06; ~~s. 787.07;~~ s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of $151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of $150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 53. This act shall take effect July 1, 2026.