

By Senator Smith

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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 the use of 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

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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 or license renewal to a child care facility based solely on the immigration status of a child under the facility's care; amending s. 448.095, F.S.; deleting the requirement for certain private employers to use the E-Verify system; deleting the prohibition against

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employers continuing to employ certain persons;
authorizing employers, state contractors, and
subcontractors to use the Employment Eligibility
Verification form to verify work authorization status;
deleting provisions requiring subcontractors to
provide a certain affidavit, terminating certain
contracts, and providing a cause of action; amending
s. 454.021, F.S.; deleting 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

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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 and is a witness or victim of specified crimes; 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; deleting 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

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enforcement agencies to submit to the Department of Law Enforcement a report by a certain date; specifying 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 State Board of Immigration 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; specifying 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 the sentence of death for capital offense committed by an unauthorized alien; amending s. 943.1718, F.S.; providing definitions;

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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

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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.—

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(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

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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 communities.

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

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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~~

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

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

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

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

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

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

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

316 g. Evidence that an application is pending for adjustment
317 of status to that of an alien lawfully admitted for permanent
318 residence in the United States or conditional permanent resident
319 status in the United States, if a visa number is available

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320 having a current priority date for processing by the United
321 States Citizenship and Immigration Services.

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

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

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

329 9. A passport issued by a foreign government.

330 10. A birth certificate issued by a foreign government.

331 11. A consular identification document.

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

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

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

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

347 16. An income tax return.

348 17. A marriage license on which the applicant is named as a

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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:

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378 322.12 Examination of applicants.-

379 (1) It is the intent of the Legislature that every
380 applicant for an original driver license in this state be
381 required to pass an examination pursuant to this section.
382 However, the department may waive the knowledge, endorsement,
383 and skills tests for an applicant who is otherwise qualified,
384 except for an applicant who provides proof of identity under s.
385 322.08(2)(c)9., 10., 11., 12., 13., 14., 15., 16., 17., or 18.,
386 and who surrenders a valid driver license from another state or
387 a province of Canada, or a valid driver license issued by the
388 United States Armed Forces, if the driver applies for a Florida
389 license of an equal or lesser classification. An applicant who
390 fails to pass the initial knowledge test incurs a \$10 fee for
391 each subsequent test, to be deposited into the Highway Safety
392 Operating Trust Fund, except that if a subsequent test is
393 administered by the tax collector, the tax collector shall
394 retain such \$10 fee, less the general revenue service charge set
395 forth in s. 215.20(1). An applicant who fails to pass the
396 initial skills test incurs a \$20 fee for each subsequent test,
397 to be deposited into the Highway Safety Operating Trust Fund,
398 except that if a subsequent test is administered by the tax
399 collector, the tax collector shall retain such \$20 fee, less the
400 general revenue service charge set forth in s. 215.20(1). A
401 person who seeks to retain a hazardous-materials endorsement,
402 pursuant to s. 322.57(1)(e), must pass the hazardous-materials
403 test, upon surrendering his or her commercial driver license, if
404 the person has not taken and passed the hazardous-materials test
405 within 2 years before applying for a commercial driver license
406 in this state.

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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,

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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

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laboratory examinations, authorized in s. 406.11.~~7~~

(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.~~7~~~~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

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494 primarily enforces immigration law" includes, but is not limited
495 to, United States Immigration and Customs Enforcement, United
496 States Customs and Border Protection, or any successor agencies
497 that have similar duties.

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

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

- 516 1. Use such information for civil immigration purposes; or
517 2. Disclose such information to any agency that primarily
518 enforces immigration law or to any employee or agent of any such
519 agency unless such disclosure is pursuant to a cooperative
520 arrangement between municipal, state, and federal agencies, if
521 the arrangement does not enforce immigration law, and if the
522 disclosure is limited to the specific information being sought

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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.—

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(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

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581 using an identification document authorized under s.
582 322.08(2)(c)14.-18., the licensee may only renew the driver
583 license in person and upon submission of an identification
584 document authorized under s. 322.08(2)(c)14.-18. A driver
585 license renewed under this subparagraph expires 8 years after
586 the date of issuance.

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

589 322.19 Change of address, name, or citizenship status.—

590 (5) Notwithstanding any other provision of this chapter, if
591 a licensee established his or her identity for a driver license
592 using an identification document authorized under s.
593 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not
594 change his or her name or address except in person and upon
595 submission of an identification document authorized under s.
596 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~

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

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

600 402.308 Issuance of license.—

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

605 Section 11. Paragraph (f) of subsection (2) of section
606 448.095, Florida Statutes, is redesignated as paragraph (e), and
607 paragraphs (b) and (e) of subsection (2), paragraph (a) of
608 subsection (4), subsection (5), and paragraphs (a) and (b) of
609 subsection (6) of that section are amended, to read:

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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.—

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

648 ~~(b) If a contractor enters into a contract with a~~
649 ~~subcontractor, the subcontractor must provide the contractor~~
650 ~~with an affidavit stating that the subcontractor does not~~
651 ~~employ, contract with, or subcontract with an unauthorized~~
652 ~~alien. The contractor shall maintain a copy of such affidavit~~
653 ~~for the duration of the contract.~~

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

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

663 ~~3. A contract terminated under this paragraph is not a~~
664 ~~breach of contract and may not be considered as such. If a~~
665 ~~public agency terminates a contract with a contractor under this~~
666 ~~paragraph, the contractor may not be awarded a public contract~~
667 ~~for at least 1 year after the date on which the contract was~~

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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.—

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(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, immigration status, 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

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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.—

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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, immigration status, 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, immigration status, 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,

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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

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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

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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.

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(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

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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, immigration status, 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, immigration status, 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, immigration status, 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, immigration status, 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:

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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:

760.45 Discrimination on the basis of certain driver licenses prohibited.—

(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

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license that does not comply with the REAL ID Act of 2005, Pub. L. No. 109-13.

(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.

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

(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.

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

(4) The state or a local government; an agent or a person acting on behalf of the state or a local government; or a 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.

Section 24. Subsection (1) of section 760.60, Florida

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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, immigration status, 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~~

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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;~~

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~~(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.

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(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.~~

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~~(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~~

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1132 ~~by a period of not more than 12 days on the facility's~~
1133 ~~determination that the reduction in sentence will facilitate the~~
1134 ~~seamless transfer of the defendant into federal custody. For~~
1135 ~~purposes of this paragraph, the term "secure correctional~~
1136 ~~facility" means a state correctional institution as defined in~~
1137 ~~s. 944.02 or a county detention facility or a municipal~~
1138 ~~detention facility as defined in s. 951.23.~~

1139 ~~(c) If the information specified in sub-subparagraph~~
1140 ~~(a)2.a. or sub-subparagraph (a)2.b. is not available at the time~~
1141 ~~the sentence is pronounced in the case, but is received by a law~~
1142 ~~enforcement agency afterwards, the law enforcement agency shall~~
1143 ~~notify the judge who shall issue the order described by~~
1144 ~~paragraph (b) as soon as the information becomes available.~~

1145 ~~(5)~~ when a county correctional facility or the Department
1146 of Corrections receives verification from a federal immigration
1147 agency that a person subject to an immigration detainer is in
1148 the law enforcement agency's custody, the agency must facilitate
1149 a screening of the person by a public defender to determine if
1150 the person is or has been a necessary witness or victim of a
1151 crime of domestic violence, rape, sexual exploitation, sexual
1152 assault, murder, manslaughter, assault, battery, human
1153 trafficking, kidnapping, false imprisonment, involuntary
1154 servitude, fraud in foreign labor contracting, blackmail,
1155 extortion, or witness tampering. The screening must be in the
1156 preferred language of the person being detained. If the public
1157 defender determines that the person is a necessary witness or
1158 victim of the aforementioned acts, the county correctional
1159 facility or the Department of Corrections may decline to comply
1160 with the federal immigration detainer. Otherwise, the county

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1161 correctional facility or the Department of Corrections may
1162 securely transport the person to a federal facility in this
1163 state or to another point of transfer to federal custody outside
1164 the jurisdiction of the law enforcement agency. The law
1165 enforcement agency may transfer a person who is subject to an
1166 immigration detainer and is confined in a secure correctional
1167 facility to the custody of a federal immigration agency not
1168 earlier than 12 days before his or her release date. A law
1169 enforcement agency shall obtain judicial authorization before
1170 securely transporting an alien to a point of transfer outside of
1171 this state.

1172 ~~(6) Upon request from a federal immigration agency, a~~
1173 ~~sheriff or chief correctional officer operating a county~~
1174 ~~detention facility must provide the requesting federal~~
1175 ~~immigration agency a list of all inmates booked into a county~~
1176 ~~detention facility and any information regarding each inmate's~~
1177 ~~immigration status.~~

1178 ~~(7) This section does not require a state entity, local~~
1179 ~~governmental entity, or law enforcement agency to provide a~~
1180 ~~federal immigration agency with information related to a victim~~
1181 ~~of or a witness to a criminal offense if:~~

1182 ~~(a) The victim or witness is necessary to the investigation~~
1183 ~~or prosecution of a crime, and such crime occurred in the United~~
1184 ~~States; and~~

1185 ~~(b) The victim or witness timely and in good faith responds~~
1186 ~~to the entity's or agency's request for information and~~
1187 ~~cooperates in the investigation or prosecution of such offense.~~

1188 ~~(8) A state entity, local governmental entity, or law~~
1189 ~~enforcement agency that, pursuant to subsection (7), withholds~~

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~~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:

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1219 (a) "Child care facility" has the same meaning as in s.
1220 402.302.

1221 (b) "Immigration enforcement activities" means any action
1222 by a law enforcement officer or agency, including, but not
1223 limited to, the identification, detention, questioning,
1224 investigation, or arrest of individuals based on their
1225 immigration status.

1226 (c) "Private school" has the same meaning as in s. 1002.01.

1227 (d) "Public school" means any facility or location
1228 providing primary or secondary education, including, but not
1229 limited to, public K-12 schools, charter schools, and school
1230 grounds.

1231 (e) "Religious institution" means any building or space
1232 primarily used for religious worship or practices, including,
1233 but not limited to, a church, synagogue, mosque, temple, and
1234 other place of religious gathering.

1235 (2) A law enforcement agency, law enforcement officer,
1236 sheriff's deputy, or federal immigration agency may not engage
1237 in or cooperate with immigration enforcement activities or
1238 engage in or cooperate with immigration enforcement activities
1239 pursuant to the Unauthorized Alien Transport Program under s.
1240 908.13 within 500 feet of any public or private school, child
1241 care facility, or religious institution, except in cases of
1242 exigent circumstances when immediate action is necessary to
1243 prevent harm or death. A local law enforcement agency, law
1244 enforcement officer, sheriff's deputy, or federal immigration
1245 agency may not:

1246 (a) Use agency resources, personnel, or authority to
1247 question, detain, or arrest individuals solely based on their

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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~~

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~~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

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1306 about current immigration enforcement policies and priorities
1307 ~~such written agreement and any reason for noncompliance with~~
1308 ~~this section, if applicable.~~

1309 Section 35. Section 908.14, Florida Statutes, is created to
1310 read:

1311 908.14 Visible Identification Standards for Immigration-
1312 Based Law Enforcement Act.-

1313 (1) This act may be cited as the "VISIBLE Act."

1314 (2) As used in this section, the term:

1315 (a) "Covered immigration officer" means a person who is
1316 authorized to perform immigration enforcement functions and who
1317 is:

1318 1. An officer or employee of a law enforcement agency;

1319 2. An officer or employee of United States Customs and
1320 Border Protection;

1321 3. An officer or employee of United States Immigration and
1322 Customs Enforcement; or

1323 4. A person authorized, deputized, or designated under
1324 federal law, regulation, or agreement to perform immigration
1325 enforcement functions.

1326 (b) "Public immigration enforcement function" means any
1327 activity that involves the direct exercise of federal
1328 immigration authority through public-facing actions, including a
1329 patrol, a stop, an arrest, a search, an interview to determine
1330 immigration status, a raid, a checkpoint inspection, or the
1331 service of a judicial or administrative warrant. The term does
1332 not include covert, nonpublic operations or nonenforcement
1333 activities.

1334 (c) "Visible identification" means the display of the name

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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 meet all of the
following requirements:

(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

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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:

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

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(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

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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.~~(e)~~ 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

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1480 must include when and where the law enforcement officer will be
1481 operating, his or her planned actions, and the approximate time
1482 and duration of the undercover investigation.

1483 (c) Paragraph (a) does not apply to:

1484 1. A law enforcement officer performing his or her duties
1485 as an undercover operative during an active undercover
1486 investigation;

1487 2. Protective gear used by a Special Weapons and Tactics
1488 (SWAT) team officer which is necessary to protect his or her
1489 face from harm while performing SWAT team duties and
1490 responsibilities; or

1491 3. Exigent circumstances that involve an immediate danger
1492 or threat to persons or property or the escape of a perpetrator.

1493 (d) A first violation of this subsection is an infraction.
1494 A second or subsequent violation of this subsection is a
1495 misdemeanor of the second degree, punishable as provided in s.
1496 775.082 or s. 775.083.

1497 (e) On or before October 1, 2026, the Department of Law
1498 Enforcement shall adopt rules regulating the use of face
1499 coverings to comply with this subsection.

1500 Section 38. Present paragraphs (b) and (c) of subsection
1501 (3) of section 943.325, Florida Statutes, are redesignated as
1502 paragraphs (c) and (d), respectively, and paragraph (a) of
1503 subsection (3) and paragraphs (b) and (f) of subsection (7) of
1504 that section are amended, to read:

1505 943.325 DNA database.—

1506 (3) COLLECTION OF SAMPLES.—

1507 (a) Each qualifying offender must ~~shall~~ submit a DNA sample
1508 at the time he or she is booked into a jail, correctional

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1509 facility, or juvenile facility.

1510 (b) A person who becomes a qualifying offender solely
1511 because of the issuance of an immigration detainer by a federal
1512 immigration agency ~~may~~ ~~must~~ submit a DNA sample when the law
1513 enforcement agency having custody of the offender receives the
1514 detainer. A law enforcement agency may not forcibly extract a
1515 DNA sample from such person, and the person may not be charged
1516 with a criminal offense solely for refusing to submit a DNA
1517 sample.

1518 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

1519 (b) Arrested qualifying offenders must submit a DNA sample
1520 at the time they are booked into a jail, correctional facility,
1521 or juvenile facility, except as provided in paragraph (3)(b).

1522 ~~(f) A law enforcement agency having custody of a person who~~
1523 ~~becomes a qualifying offender solely because of the issuance of~~
1524 ~~an immigration detainer by a federal immigration agency shall~~
1525 ~~ensure that a DNA sample is taken from the offender immediately~~
1526 ~~after the agency receives the detainer and shall secure and~~
1527 ~~transmit the sample to the department in a timely manner.~~

1528 Section 39. Present subsection (9) of section 1000.05,
1529 Florida Statutes, is renumbered as subsection (10), and a new
1530 subsection (9) is added to that section, to read:

1531 1000.05 Discrimination against students and employees in
1532 the Florida K-20 public education system prohibited; equality of
1533 access required.—

1534 (9)(a) As used in this subsection, the term:

1535 1. "Citizenship or immigration status" means any matter
1536 regarding citizenship of the United States or any other country
1537 or the authority or lack thereof to reside in or otherwise to be

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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

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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,

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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:

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1625 1. Procedures for reviewing and contacting a designated
1626 authorized person at the school, school facility, district
1627 superintendent's office, or school administrative office who may
1628 contact the school's legal counsel.

1629 2. Procedures for the person authorized in subparagraph 1.
1630 or the school's legal counsel to review all of the following:

1631 a. Requests to enter a school or a school facility.

1632 b. Judicial warrants.

1633 c. Nonjudicial warrants.

1634 d. Subpoenas.

1635 3. Procedures for monitoring, accompanying, and documenting
1636 all interactions with a law enforcement agent while on school
1637 premises.

1638 4. Procedures for notifying and seeking consent from a
1639 student's parent or guardian, or from the student if the student
1640 is 18 years of age or older or emancipated, if a law enforcement
1641 agent requests access to a student for immigration enforcement
1642 purposes, unless a judicial warrant or subpoena restricts the
1643 disclosure of the information to the student's parent or
1644 guardian.

1645 (e)1. Beginning October 1, 2026, a party aggrieved by
1646 conduct that violates this subsection may file a civil action in
1647 a court of competent jurisdiction. The aggrieved party must file
1648 such action within 2 years after the violation occurred. If the
1649 court finds that a willful violation of paragraph (c) has
1650 occurred, the court may award actual damages. The court may
1651 grant any permanent or preliminary negative or mandatory
1652 injunction, temporary restraining order, or other order.

1653 2. Upon a motion, the court must award reasonable attorney

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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.—

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(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 guardians 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

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1712 lieu of an official high school transcript, a student may submit
1713 a high school equivalency diploma under s. 1003.435.

1714 (b) Tuition and fees charged to a student who qualifies for
1715 the out-of-state fee waiver under this subsection may not exceed
1716 the tuition and fees charged to a resident student. The waiver
1717 is applicable for 110 percent of the required credit hours of
1718 the undergraduate or graduate degree or certificate program for
1719 which the student is enrolled. Each state university, Florida
1720 College System institution, career center operated by a school
1721 district under s. 1001.44, and charter technical career center
1722 shall report to the Board of Governors and the State Board of
1723 Education, respectively, the number and value of all fee waivers
1724 granted annually under this subsection. By October 1 of each
1725 year, the Board of Governors for the state universities and the
1726 State Board of Education for Florida College System
1727 institutions, career centers operated by a school district under
1728 s. 1001.44, and charter technical career centers shall annually
1729 report for the previous academic year the percentage of resident
1730 and nonresident students enrolled systemwide.

1731 (c) A state university student granted an out-of-state fee
1732 waiver under this subsection must be considered a nonresident
1733 student for purposes of calculating the systemwide total
1734 enrollment of nonresident students as limited by regulation of
1735 the Board of Governors. ~~In addition,~~ A student who is granted an
1736 out-of-state fee waiver under this subsection is ~~not~~ eligible
1737 for state financial aid under part III of this chapter and may
1738 ~~must~~ not be reported as a resident for tuition purposes.

1739 Section 43. Paragraph (a) of subsection (1) of section
1740 1009.40, Florida Statutes, is amended to read:

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1741 1009.40 General requirements for student eligibility for
1742 state financial aid awards and tuition assistance grants.—

1743 (1)(a) The general requirements for eligibility of students
1744 for state financial aid awards and tuition assistance grants
1745 consist of the following:

1746 1. Achievement of the academic requirements of and
1747 acceptance at a state university or Florida College System
1748 institution; a nursing diploma school approved by the Florida
1749 Board of Nursing; a Florida college or university which is
1750 accredited by an accrediting agency recognized by the State
1751 Board of Education; a Florida institution the credits of which
1752 are acceptable for transfer to state universities; a career
1753 center; or a private career institution accredited by an
1754 accrediting agency recognized by the State Board of Education.

1755 2. Residency in this state for no less than 1 year
1756 preceding the award of aid or a tuition assistance grant for a
1757 program established pursuant to s. 1009.50, s. 1009.505, s.
1758 1009.51, s. 1009.52, s. 1009.521, s. 1009.53, s. 1009.60, s.
1759 1009.62, s. 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s.
1760 1009.89, or s. 1009.894. Residency in this state must be for
1761 purposes other than to obtain an education. Resident status for
1762 purposes of receiving state financial aid awards shall be
1763 determined in the same manner as resident status for tuition
1764 purposes pursuant to s. 1009.21. However, a student may not be
1765 denied classification as a resident for purposes of receiving
1766 state financial aid based solely on the student's immigration
1767 status if he or she has met the conditions for an out-of-state
1768 fee waiver under s. 1009.26(12)(a).

1769 3. Submission of certification attesting to the accuracy,

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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

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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,

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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)~~

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1857 ~~or (4)~~ before entering into any agreement with a veteran for
1858 veterans' benefits matters. An individual must submit a full set
1859 of fingerprints to the Department of Law Enforcement or to a
1860 vendor, entity, or agency authorized by s. 943.053(13), which
1861 shall forward the fingerprints to the Department of Law
1862 Enforcement for state processing. The Department of Veterans'
1863 Affairs shall transmit the background screening results to the
1864 provider, which results must indicate whether an individual's
1865 background screening contains any of the offenses listed in this
1866 subsection. Fees for state and federal fingerprint processing
1867 must be borne by the provider or individual. The state cost for
1868 fingerprint processing is as provided in s. 943.053(3)(e). This
1869 subsection does not imply endorsement, certification, or
1870 regulation of providers by the Department of Veterans' Affairs.

1871 Section 49. Subsection (2) of section 775.30, Florida
1872 Statutes, is amended to read:

1873 775.30 Terrorism; defined; penalties.—

1874 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
1875 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
1876 787.01, s. 787.02, ~~s. 787.07~~, s. 790.115, s. 790.15, s. 790.16,
1877 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
1878 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
1879 859.01, or s. 876.34, in furtherance of intimidating or coercing
1880 the policy of a government, or in furtherance of affecting the
1881 conduct of a government by mass destruction, assassination, or
1882 kidnapping, commits the crime of terrorism, a felony of the
1883 first degree, punishable as provided in s. 775.082, s. 775.083,
1884 or s. 775.084.

1885 Section 50. Subsection (1) of section 794.056, Florida

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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

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1915	(d) LEVEL 4		
1916			
1917			
	Florida	Felony	Description
	Statute	Degree	
1918			
	104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
1919			
	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
1920			
	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1921			
	517.07(1)	3rd	Failure to register securities.
1922			
	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
1923			
	784.031	3rd	Battery by strangulation.
1924			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.

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1925	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1926	784.075	3rd	Battery on detention or commitment facility staff.
1927	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1928	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1929	784.081 (3)	3rd	Battery on specified official or employee.
1930	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1931	784.083 (3)	3rd	Battery on code inspector.
1932	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1933	787.03 (1)	3rd	Interference with custody; wrongly takes minor from

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			appointed guardian.
1934	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1935	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1936	787.07	3rd	Human smuggling.
1937	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1938	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1939	790.115 (2) (c)	3rd	Possessing firearm on school property.
1940	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
1941			

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1942	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	
1943	806.135	2nd	Destroying or demolishing a memorial or historic property.	
1944	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	
1945	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	
1946	810.06	3rd	Burglary; possession of tools.	
1947	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	
1948	810.145 (3) (b)	3rd	Digital voyeurism dissemination.	
1949	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	
	812.014	3rd	Grand theft, 3rd degree;	

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	(2) (c) 4. & 6.-10.		specified items.
1950	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
1951	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.
1952	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1953	817.505 (4) (a)	3rd	Patient brokering.
1954	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
1955	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1956	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less

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			than \$10,000.
1957	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
1958	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
1959	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1960	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
1961	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
1962	837.02 (1)	3rd	Perjury in official proceedings.
1963	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1964			

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1965	838.022	3rd	Official misconduct.	
	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.	
1966				
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.	
1967				
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.	
1968				
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	
1969				
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).	
1970				
	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.	
1971				
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less	

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			than 18 years.
1972	870.01 (3)	2nd	Aggravated rioting.
1973	870.01 (5)	2nd	Aggravated inciting a riot.
1974	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1975	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).
1976	914.14 (2)	3rd	Witnesses accepting bribes.
1977	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1978	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1979	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1980	934.215	3rd	Use of two-way communications

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device to facilitate commission
of a crime.

1981

944.47(1)(a)6. 3rd Introduction of contraband
(cellular telephone or other
portable communication device)
into correctional institution.

1982

951.22(1)(h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other device
to aid escape, or cellular
telephone or other portable
communication device introduced
into county detention facility.

1983

1984 Section 52. Section 938.085, Florida Statutes, is amended
1985 to read:

1986 938.085 Additional cost to fund rape crisis centers.—In
1987 addition to any sanction imposed when a person pleads guilty or
1988 nolo contendere to, or is found guilty of, regardless of
1989 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1990 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1991 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1992 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1993 787.06; ~~s. 787.07~~; s. 794.011; s. 794.05; s. 794.08; former s.
1994 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
1995 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
1996 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
1997 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.

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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.