



Bill Analysis: SB 1718-Immigration

As requested by the Board of County Commissioners

Summary:

Prohibiting counties, municipalities, and others, respectively, from providing funds to any person, entity, or organization to issue identification documents to an individual who does not provide proof of lawful presence in the United States.

Analysis:

CS/CS/SB 1718 amends various Florida statutes to address provisions related to individuals in this state who may be unauthorized aliens.

Specifically, the bill:

- Enhances the crime of human smuggling when smuggling a minor, more than five people, or when the defendant has a prior conviction for human smuggling.
- Adds the crime of human smuggling to the list of crimes that allow for prosecution under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act.
- Allows a law enforcement agency to send relevant information obtained pursuant to enforcement of s. 448.095, F.S., to a federal immigration agency.
- Amends the state's domestic security statutes to provide the necessary authority for the department to coordinate with and provide assistance to the Federal Government in the enforcement of federal immigration laws, and responses to immigration enforcement incidents within or affecting Florida.
- Beginning July 1, 2023, requires private employers with 25 or more employees to use the E-Verify system for new employees.
- Alters the defenses for employers using the I-9 Form or E-Verify system; and, beginning July 1, 2024, amends the penalties for an employer's noncompliance to register and use the E-Verify system, including requiring reporting and allowing for the suspension and revocation of employer licenses in certain circumstances.
- Creates penalties for employers who knowingly employ unauthorized aliens, effective July 1, 2024.
- Creates a third-degree felony for an unauthorized alien to knowingly use a false identification document, or who fraudulently uses an identification document of another person, to obtain employment.
- Prohibits a county or municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or other document to an individual who does not provide proof of lawful presence in the United States.
- Prohibits a person from operating a motor vehicle if his or her driver's license is issued by another state which exclusively provides such a license to undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued.
- Provides that certain existing exemptions from obtaining a Florida driver license for nonresidents do not apply for undocumented immigrants.
- Repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions are met effective November 1, 2028.
- Requires a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility.



- Requires any hospital that accepts Medicaid to include a question on its admission or registration forms inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States.
- Requires each hospital to provide a quarterly report to the Agency of Health Care Administration, detailing the number of emergency department visits or hospital admissions by patients who responded to the above question in each category.

County Impact:

- The County currently completes the I-9 employment verification form and E-Verify, which confirms identity and employment authorization for employment in the United States. This change is not anticipated to impact the County's hiring practices. Private companies who contract with the County through the procurement process are responsible for completing the background checks, including any requirements under the law as the employer of their employees.
- The FDLE is already conducting audits of private employers in Florida, pursuant to the Governor's Executive Order in 2021, and the provisions of the bill requiring regular coordination of random audits or the ability to conduct audits of public employers, contractors, or subcontractors.
- The quick turnaround can also create added challenges in overcoming the potential learning curve on the processes by the effective date of July 1, 2021.