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Client Alert: Florida Immigration Update

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Prior to taking office, President Trump promised his constituents that he would be tough on immigration. In keeping with this campaign promise, since taking office, President Trump has issued over 10 different executive orders and memos/proclamations on immigration. Florida, following President Trump's lead, has initiated its own legislative changes to crack down on illegal immigration.

Specifically, on February 7, 2025, Florida Governor Ron DeSantis announced a new partnership between Florida's Highway Patrol and the United States Department of Homeland Security (DHS) to enhance immigration enforcement within the state. Under President Trump, United States Immigration and Customs Enforcement (ICE) is reviving and expanding a decades-old 287(g) program that trains state law officers to interrogate immigrants in their custody and detain them for potential deportation.

Accordingly, this agreement will authorize Florida Highway Patrol officers to perform specific immigration enforcement functions once they are trained and approved by ICE. Under the agreement, Florida law enforcement officers will have the ability to:

- Coordinate with ICE to expedite deportations;
- Interrogate individuals suspected of being in the United States illegally;
- Detain undocumented individuals;
- Enforce felony arrests related to federal immigration laws; and
- Serve and execute arrest warrants for immigration violations.

Although the Florida Highway Patrol will help identify and assist in the enforcement of federal immigration laws, the final decision on deportation will remain with ICE.

Governor DeSantis also suggested that other state agencies, such as the Florida Department of Law Enforcement, could be incorporated into the program if it is determined their involvement would be necessary and beneficial. Ultimately, Governor DeSantis signaled that it will take some time for Florida to fully implement this new agreement because Florida Highway Patrol officers will need to be trained first.

Additionally, on February 13, 2025, shortly after being passed by the Florida House and Senate, Governor DeSantis signed into law three measures—two bills and a memorial—which, among other things:

- Create a new State Board of Immigration Enforcement (consisting of the governor, the commissioner of agriculture, the attorney general, and the chief financial officer);

- Require local communities to cooperate with federal immigration officials;
- Make it a misdemeanor (on the first offense and felony thereafter) for immigrants over 18 to “knowingly” enter Florida “after entering the United States by eluding or avoiding examination or inspection by immigration officers”; and
- Require a mandatory death sentence for any undocumented immigrant convicted of a capital crime, such as first-degree murder or the rape of a child under 12.

One of the most contentious aspects of the recent legislation for members of both parties is language that repeals in-state tuition rates to public colleges and universities for students who lack permanent legal status (i.e., “Dreamers”). This, of course, creates questions as to what will happen to those students who are currently enrolled in public colleges and universities in Florida.

We will continue to watch developments in this space, so be sure to check back with us for updates! In the meantime, please feel free to reach out to a member of Shumaker’s Immigration Team as we are available to assist with your immigration needs.