

1 Introduced by Council Member Carrico and Co-Sponsored by Council  
2 Members Carrico and Freeman and amended by the Rules Committee:  
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4

5 **ORDINANCE 2025-147-E**

6 AN ORDINANCE REGARDING UNAUTHORIZED ALIENS;  
7 CREATING A NEW CHAPTER 605 (PROHIBITION OF  
8 UNAUTHORIZED ALIENS; PUNISHMENT), *ORDINANCE*  
9 *CODE*; SETTING FORTH PROHIBITIONS AND PENALTIES;  
10 AMENDING SECTION 614.104 (RESERVED), CHAPTER 614  
11 (PUBLIC ORDER AND SAFETY), *ORDINANCE CODE*, TO  
12 MANDATE THE CITY AND ITS INDEPENDENT AGENCIES  
13 AND CONSTITUTIONAL OFFICERS SHALL FULLY  
14 COOPERATE WITH FEDERAL AND STATE AUTHORITIES TO  
15 ENFORCE IMMIGRATION LAWS; APPROPRIATING \$76,250  
16 FROM GENERAL FUND OPERATING - ECONOMIC GRANT  
17 PROGRAM ACTIVITY - MISC NON-DEPARTMENTAL  
18 EXPENDITURES ACCOUNT TO THE PEPS SPECIALIZED  
19 PATROL - OTHER OPERATING SUPPLIES ACCOUNT, TO  
20 PROVIDE FUNDS TO THE JACKSONVILLE SHERIFF'S  
21 OFFICE FOR THE PURCHASE OF 25 MOBILE  
22 FINGERPRINTING DEVICES; PROVIDING FOR  
23 SEVERABILITY; PROVIDING FOR CODIFICATION  
24 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.  
25

26 **WHEREAS**, President Trump and the Florida Legislature have  
27 enacted laws, policies and regulations to combat illegal immigration;  
28 and

29 **WHEREAS**, to facilitate this effort in Florida, Sheriff T.K.  
30 Waters has been appointed to the State Immigration Enforcement  
31 Council; and

1       **WHEREAS**, the City of Jacksonville has experienced serious and  
2 deadly criminal violations committed by illegal immigrants; and

3       **WHEREAS**, in 2024, the Duval County jail had incarcerated 2242  
4 non-United States citizens who had been arrested in Duval County; and

5       **WHEREAS**, in 2024, out of those 2442 incarcerated non-United  
6 States citizens, 602 have been processed for deportation by the  
7 Immigration and Customs Enforcement of the United States Department  
8 of Homeland Security; and

9       **WHEREAS**, in 2024, in a long-term police operation called  
10 "Jacob's Ladder", the Jacksonville Sheriff's Office intercepted  
11 fentanyl and cocaine with direct ties to the Gulf Cartel, one of  
12 Mexico's oldest criminal groups; and

13       **WHEREAS**, the Jacob's Ladder operation also seized 2.6  
14 kilograms of fentanyl and 74 kilograms of cocaine, removing them from  
15 Jacksonville and the region's streets; and

16       **WHEREAS**, the Sheriff has indicated that having federal, state  
17 and local laws to assist the Sheriff's Office with the ability to  
18 address this issue will help his agency more effectively arrest,  
19 prosecute and resolve criminal activities committed by illegal  
20 immigrants; and

21       **WHEREAS**, Sheriff Waters has committed to providing the  
22 personnel necessary to institute the Ordinance; however, he has  
23 identified a need for additional finger printing equipment that is  
24 sufficient to accurately and efficiently process persons subject to  
25 this new law; now therefore

26       **BE IT ORDAINED** by the Council of the City of Jacksonville:

27       **Section 1.       Creating a new Chapter 605 (Prohibition of**  
28 **Unauthorized Aliens; Punishment), Ordinance Code.** Chapter 605  
29 (Prohibition of Unauthorized Aliens; Punishment), *Ordinance Code*, is  
30 hereby created to read as follows:

31       **CHAPTER 605 - PROHIBITION OF UNAUTHORIZED ALIENS; PUNISHMENT**

1 **Sec. 605.101. - Definitions.**

2 As used in this Chapter, the term:

3 (1) "City" means the City of Jacksonville. This Chapter does not  
4 apply to the Second, Third, Fourth or Fifth Urban  
5 Service Districts.

6 (2) "Removal" means the departure from the City of an unauthorized  
7 alien after any proceeding under 8 U.S.C. Sections 1225, 1228,  
8 1229, or 1229a or any agreement in which an unauthorized alien  
9 stipulates to his or her departure from the United States as  
10 part of a criminal proceeding under federal or state law.

11 (3) "Unauthorized alien" has the same meaning as in Section 908.111,  
12 *Florida Statutes*.

13 **Sec. 605.102. - Illegal entry by adult unauthorized alien into the**  
14 **City.**

15 (1) Except as provided in subsection (2), an unauthorized alien who  
16 is 18 years of age or older and who knowingly enters or attempts  
17 to enter the City after entering the United States by eluding  
18 or avoiding examination or inspection by immigration officers  
19 commits a Class B offense, as such is defined in Section 632.101.  
20 In addition to civil penalties, a person convicted of a violation  
21 of this subsection must be sentenced to a mandatory term of  
22 imprisonment of 30 days.

23 (2) An unauthorized alien who:

24 (a) has one prior conviction for a violation of this Section  
25 and who commits a second violation of subsection (1)  
26 commits a Class C offense, as such is defined in Section  
27 632.101. In addition to civil penalties, a person convicted  
28 of a violation of this paragraph must be sentenced to a  
29 mandatory term of imprisonment of 60 days.

30 (b) has two or more prior convictions for a violation of this  
31 Section and who commits a subsequent violation of

1 subsection (1) commits a Class D offense, as such is  
2 defined in Section 632.101. In addition to civil penalties,  
3 a person convicted of a violation of this paragraph must  
4 be sentenced to a mandatory term of imprisonment of 60  
5 days.

6 (3) An unauthorized alien may not be arrested for a violation of  
7 this Section if the unauthorized alien was encountered by law  
8 enforcement during the investigation of another crime that  
9 occurred in the City and the unauthorized alien witnessed or  
10 reported such crime or was a victim of such crime.

11 (4) It is an affirmative defense to prosecution under this Section  
12 if:

13 (a) The Federal Government has granted the unauthorized alien  
14 lawful presence in the United States or discretionary  
15 relief that authorizes the unauthorized alien to remain in  
16 the United States temporarily or permanently;

17 (b) The unauthorized alien is subject to relief under the Cuban  
18 Adjustment Act of 1966; or

19 (c) The unauthorized alien's entry into the United States did  
20 not constitute a violation of 8 U.S.C. Section 1325(a).

21 (5) Notwithstanding any other law, and unless release is otherwise  
22 required by the State Constitution or the United States  
23 Constitution, the court shall presume that no conditions of  
24 release can reasonably assure the presence of an unauthorized  
25 alien arrested for a violation of this Section at his or her  
26 trial and must order the unauthorized alien to be detained  
27 pending the disposition of the case.

28 (6) An unauthorized alien who commits a violation of this Section  
29 is not eligible for a civil citation, prearrest or post-arrest  
30 diversion program, or other similar program, including, but not  
31 limited to, any program described in Section 901.41, *Florida*

1        *Statutes* or Section 921.00241, *Florida Statutes*.

2        (7) Upon making an arrest for a violation of this Section, the  
3        Sheriff shall:

4            (a) Notify Immigration and Customs Enforcement of the United  
5            States Department of Homeland Security of the unauthorized  
6            alien's arrest and provide any known information relating  
7            to the unauthorized alien; and

8            (b) Notify the Florida Department of Law Enforcement of the  
9            unauthorized alien's arrest and provide information  
10           relating to the unauthorized alien, which must include his  
11           or her fingerprints, photograph, and any other biometric  
12           information necessary to identify the unauthorized alien.

13        **Sec. 605.103. - Illegal reentry of an adult unauthorized alien.**

14        (1) An unauthorized alien who is 18 years of age or older commits a  
15        Class D offense, as such is defined in Section 632.101, if he  
16        or she, after having been denied admission, excluded, deported,  
17        or removed or having departed the United States during the time  
18        an order of exclusion, deportation, or removal is outstanding,  
19        thereafter enters, attempts to enter, or is at any time found  
20        in the City. An unauthorized alien does not commit a violation  
21        of this subsection if, before the unauthorized alien's re-  
22        embarkation at a place outside the United States or his or her  
23        application for admission from a foreign contiguous territory:

24            (a) The Attorney General of the United States expressly  
25            consented to his or her reapplication for admission; or

26            (b) With respect to an unauthorized alien who was previously  
27            denied admission and removed, the unauthorized alien  
28            establishes that he or she was not required to obtain such  
29            advance consent under the Immigration and Nationality Act,  
30            as amended.

31        (2) Except as provided in subsection (3), an unauthorized alien who

1 violates subsection (1), in addition to civil penalties, must  
2 be sentenced to a mandatory term of imprisonment of 60 days.

3 (3) An unauthorized alien who:

4 (a) has three or more prior convictions for a misdemeanor or a  
5 felony, other than a forcible felony as defined in Section  
6 776.08, *Florida Statutes* or an aggravated felony as defined  
7 in 8 U.S.C. Section 1101, and who commits a violation of  
8 subsection (1) commits a Class D offense, as such is  
9 defined in Section 632.101. In addition to civil penalties,  
10 a person convicted of a violation of this paragraph must  
11 be sentenced to a mandatory term of imprisonment of 60  
12 days.

13 (b) has a prior conviction for a forcible felony as defined in  
14 Section 776.08, *Florida Statutes* or an aggravated felony  
15 as defined in 8 U.S.C Section 1101 and who commits a  
16 violation of subsection (1) commits a Class D offense, as  
17 such is defined in Section 632.101. In addition to civil  
18 penalties, a person convicted of a violation of this  
19 paragraph must be sentenced to a mandatory term of  
20 imprisonment of 60 days.

21 (4) Notwithstanding any other law, and unless release is otherwise  
22 required by the State Constitution or the United States  
23 Constitution, the court shall presume that no conditions of  
24 release can reasonably assure the presence of an unauthorized  
25 alien arrested for a violation of this Section at his or her  
26 trial and must order the unauthorized alien to be detained  
27 pending the disposition of the case.

28 (5) An unauthorized alien who commits a violation of this Section  
29 is not eligible for a civil citation, prearrest or post-arrest  
30 diversion program, or other similar program, including, but not  
31 limited to, any program described in Section 901.41, *Florida*

1 Statutes or Section 921.00241, Florida Statutes.

2 (6) Upon making an arrest for a violation of this Section, the  
3 arresting law enforcement agency shall:

4 (a) Notify Immigration and Customs Enforcement of the United  
5 States Department of Homeland Security of the unauthorized  
6 alien's arrest and provide any known information relating  
7 to the unauthorized alien; and

8 (b) Notify the Department of Law Enforcement of the  
9 unauthorized alien's arrest and provide information  
10 relating to the unauthorized alien, which must include his  
11 or her fingerprints, photograph, and any other biometric  
12 information necessary to identify the unauthorized alien.

13 **Section 2. Amending Section 614.104 (Reserved), Chapter 614**  
14 **(Public Order and Safety), Ordinance Code.** Section 614.104  
15 (Reserved), Chapter 614 (Public Order and Safety), Ordinance Code,  
16 is hereby amended to read as follows:

17 **CHAPTER 614 - PUBLIC ORDER AND SAFETY**

18 \* \* \*

19 **Sec. 614.104. - Assistance with Immigration EnforcementReserved.**

20 It shall be required that all agencies, departments and  
21 executive departments of the City (as defined in Section 1.102),  
22 independent authorities and constitutional officers shall provide  
23 full and complete assistance to any federal or state official, agency  
24 or individual charged with the enforcement of any lawful federal or  
25 state immigration laws, including use of any necessary resources,  
26 facilities, programs or personnel of the Consolidated Government of  
27 the City of Jacksonville. Any failure to render such assistance shall  
28 be considered an act of malfeasance and dereliction of duty by such  
29 official or employee and shall be punished using any available means.

30 **Section 3. Appropriation.** For the 2024-2025 fiscal year,  
31 within the City's budget, there are hereby appropriated the indicated

1 sum(s) from the account(s) listed in subsection (a) to the account(s)  
2 listed in subsection (b):

3 (The account information is attached hereto as **Exhibit 1** and  
4 incorporated herein by this reference)

5 (a) Appropriated from:

6 See **Exhibit 1** \$76,250

7 (b) Appropriated to:

8 See **Exhibit 1** \$76,250

9 (c) Explanation of Appropriation:

10 The funding above represents an appropriation of \$76,250  
11 from the General Fund Operating - Economic Grant Program  
12 Activity - Misc Non-Departmental Expenditures account to  
13 the PEPS Specialized Patrol - Other Operating Supplies  
14 account, to provide funding to the Jacksonville Sheriff's  
15 Office ("JSO") for the purchase of 25 mobile fingerprinting  
16 devices which are necessary to implement the Sheriff's  
17 obligations under the newly-created Chapter 605, *Ordinance*  
18 *Code*.

19 **Section 4. Purpose.** The purpose of the appropriation in  
20 Section 3 is to provide funds to JSO for the purchase of 25 mobile  
21 fingerprinting devices for JSO patrol forces to use to perform the  
22 duties obligated to the Sheriff by the newly enacted Chapter 605,  
23 *Ordinance Code*. These devices will enable JSO to more quickly and  
24 efficiently identify individuals whose citizenship status has been  
25 identified through their prior contact with law enforcement.

26 **Section 5. Severability.** If any part, section, subsection  
27 or other portion of this Ordinance or any application thereof to any  
28 person or circumstances is declared to be void, unconstitutional or  
29 invalid for any reason, such part, section, subsection or other  
30 portion, or the proscribed application thereof, shall be severable  
31 and the remaining provisions of this ordinance and all applications



1 thereof not having been declared void, unconstitutional or invalid  
2 shall remain in full force and effect. The Council declares that no  
3 invalid or proscribed provision of application was an inducement to  
4 the enactment of this Ordinance and that it would have enacted this  
5 ordinance regardless of the invalid or proscribed provision or  
6 application.

7       **Section 6. Codification Instructions.** The Codifier and the  
8 Office of General Counsel are authorized to make all chapter and  
9 division "table of contents" consistent with the changes set forth  
10 herein. Such editorial changes and any other changes necessary to  
11 make the Ordinance Code consistent with the intent of this legislation  
12 are approved and directed herein, and the changes to the Ordinance  
13 Code shall be made forthwith and when inconsistencies are discovered.

14       **Section 7. Effective Date.** This Ordinance shall become  
15 effective upon signature by the Mayor or upon becoming effective  
16 without the Mayor's signature.

17  
18 Form Approved:

19  
20           /s/ Mary E. Staffopoulos          

21 Office of General Counsel

22 Legislation Prepared By: Jason R. Teal

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