

Tab 1 SB 168 by Gruters (CO-INTRODUCERS) Bean; (Similar to H 00527) Federal Immigration Enforcement						
246112	D	S		JU, Simmons	Delete everything after	02/08 04:27 PM
446154	AA	S		JU, Rodriguez	Delete L.30 - 43:	02/11 03:45 PM
585334	AA	S		JU, Rodriguez	Delete L.60 - 76:	02/11 03:45 PM
706764	AA	S		JU, Rodriguez	Delete L.87 - 167:	02/11 03:44 PM
738920	AA	S		JU, Rodriguez	Delete L.108 - 119:	02/11 03:44 PM
428534	AA	S		JU, Rodriguez	Delete L.159 - 173:	02/11 03:46 PM
449612	AA	S		JU, Rodriguez	Delete L.174 - 200.	02/11 03:45 PM
134748	AA	S		JU, Rodriguez	Delete L.222 - 242.	02/11 03:46 PM
715256	AA	S		JU, Gruters	Delete L.238:	02/11 03:41 PM
465542	AA	S		JU, Rodriguez	Delete L.256 - 260:	02/11 03:45 PM
941354	SD	S	TP	JU, Simmons	Delete everything after	02/12 03:46 PM
241924	ASA	S		JU, Rodriguez	Delete L.31 - 44:	02/11 05:12 PM
946098	ASA	S		JU, Rodriguez	Delete L.61 - 77:	02/11 05:11 PM
545528	ASA	S		JU, Rodriguez	Delete L.109 - 120:	02/11 05:12 PM
828552	ASA	S		JU, Rodriguez	Delete L.160 - 174:	02/11 05:15 PM
384212	D	S		JU, Rodriguez	Delete everything after	02/11 03:43 PM
170934	A	S		JU, Rodriguez	Delete L.116 - 147:	02/11 03:43 PM
538004	A	S		JU, Rodriguez	Delete L.126 - 142:	02/11 03:43 PM
803882	A	S		JU, Rodriguez	Delete L.160 - 237:	02/11 03:43 PM
643696	A	S		JU, Rodriguez	Delete L.181 - 192:	02/11 03:44 PM
722046	A	S		JU, Rodriguez	Delete L.229 - 243:	02/11 03:44 PM
797868	A	S		JU, Rodriguez	Delete L.244 - 270.	02/11 03:44 PM
748300	T	S		JU, Gruters	In title, delete L.39:	02/08 04:24 PM

Tab 2 SB 462 by Powell; (Identical to H 00091) Lis Pendens						
447100	A	S	RCS	JU, Powell	Delete L.60 - 62:	02/12 03:47 PM
877408	AA	S	WD	JU, Powell	btw L.97 - 98:	02/12 03:47 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Simmons, Chair
Senator Rodriguez, Vice Chair

MEETING DATE: Monday, February 11, 2019
TIME: 4:30—6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Simmons, Chair; Senator Rodriguez, Vice Chair; Senators Baxley, Gibson, Hutson, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 168 Gruters (Similar H 527, Identical S 170)	Federal Immigration Enforcement; Citing this act as the "Rule of Law Adherence Act"; creating provisions relating to federal immigration enforcement; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to comply with and support the enforcement of federal immigration law; authorizing local governmental entities and law enforcement agencies to petition the Federal Government for reimbursement of certain costs; providing whistle-blower protections for persons who report violations; requiring repeal of existing sanctuary policies within a specified period, etc. JU 02/11/2019 Temporarily Postponed IS RC	Temporarily Postponed
2	SB 462 Powell (Identical H 91)	Lis Pendens; Providing that a person who acquires for value a lien on property during the course of specified legal actions takes such lien free of claims in certain circumstances; specifying the effect of a valid, recorded notice of lis pendens in certain circumstances involving a judicial sale, etc. JU 02/11/2019 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 168

INTRODUCER: Senators Gruters and Bean

SUBJECT: Federal Immigration Enforcement

DATE: February 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Pre-meeting
2.			IS	
3.			RC	

I. Summary:

SB 168 creates the “Rule of Law Adherence Act” in chapter 908, F.S. The act seeks to ensure that state and local governments cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the bill prohibits sanctuary jurisdictions, requires state and local entities to comply with federal immigration detainers, and provides legal remedies to redress noncompliance with the act.

In more specific terms, the bill:

- Requires a covered government body to comply with and support the enforcement of federal immigration law.
- Prohibits a state entity, local governmental entity, or law enforcement agency from having a law or procedure which impedes a law enforcement agency from communicating or cooperating with a federal immigration agency on immigration enforcement matters.
- Prohibits any restriction on a covered body’s ability to use, maintain, or exchange immigration information for certain purposes.
- Provides procedures for a law enforcement agency and court to follow when an arrested person cannot provide proof of lawful presence in the United States or is subject to an immigration detainer.
- Requires any sanctuary policies currently in effect be repealed within 90 days after the effective date of the act.
- Authorizes a board of county commissioners to enact an ordinance requiring those detained pursuant to a properly issued immigration detainer to reimburse the county for its costs of complying with the detainer.
- Requires an official or employee of a covered body to promptly report a violation of the act to the Attorney General or state attorney. Failure to report a violation may result in suspension or removal from office.

- Authorizes the Attorney General or a state attorney to seek an injunction against a government body that violates the act.
- Permits an official who supported a sanctuary policy or voted against its repeal to be suspended or removed from office.
- Creates a civil cause of action against a governmental entity for the death of or injuries to a person by an alien which were made possible by the governmental entity's application of a sanctuary policy.

With the exception of two sections, the bill takes effect July 1, 2019. The two sections establishing penalties and civil causes of action for injury or death take effect October 1, 2019.

II. Present Situation:

General Overview

The Federal Government is responsible for both establishing and enforcing immigration laws. Congress has enacted legislation, which the federal courts have interpreted, and the body of immigration law has developed. The responsibility for enforcing immigration laws rests with the Division of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) and its Enforcement and Removal Operations (ERO). It is the mission of Enforcement and Removal Operations to identify, apprehend, and remove aliens who are a risk to national security or public safety, enter the country illegally, or seek to undermine the integrity of the country's immigration laws or border control efforts.¹ In order to carry out its mission, ICE depends, in part, on the assistance of local and state law enforcement agencies to identify removable aliens.² However, some state and local jurisdictions have chosen to expressly define or limit their roles in immigration enforcement and have become known as "sanctuary" jurisdictions. The critics of sanctuary jurisdictions argue that they limit law enforcement's abilities and encourage illegal immigration. Those who support sanctuary jurisdictions argue that they are necessary to prevent local law enforcement resources from being diverted to enforce immigration laws.³

Federal Immigration Law

The Federal Government's authority to regulate immigration law is established in the United States Constitution. This power is extensive. The Constitution grants Congress the power to "establish an uniform Rule of Naturalization,"⁴ and to "regulate Commerce with foreign Nations."⁵ Additional authority is found in the Federal Government's broad powers over foreign affairs.⁶

The individual states are not granted similar powers under the Constitution and they may not encroach upon federal authority in this area. When states enact immigration laws, they are often

¹ U.S. Immigration and Customs Enforcement, *Enforcement and Removal Operations, Mission*, <https://www.ice.gov/ero>

² Congressional Research Service, *Sanctuary Jurisdictions and Criminal Aliens: In Brief* (Jan. 10, 2017), <https://www.everycrsreport.com/reports/R44118.html#Content>.

³ *Id.*

⁴ U.S. CONST. art. 1, s. 8, cl. 4.

⁵ U.S. CONST. art. 1, s. 8, cl. 3.

⁶ *Toll v. Moreno*, 458 U.S. 1 (1982).

challenged on the grounds that the law is preempted by federal law under the Supremacy Clause of the Constitution.⁷ The federal preemption doctrine is a principle of law which holds that federal laws take precedence over state laws, and as such, states may not enact laws that are inconsistent with the federal law.

Yet, the U.S. Supreme Court has noted that this vast federal power is not without limits. In *De Canas v. Bica*, a 1976 decision, the U.S. Supreme Court held that federal immigration law does not inherently preempt state court jurisdiction over all matters involving immigration issues. The Court noted that it has never held that every state statute “which in any way deals with aliens is a regulation of immigration and thus *per se* pre-empted by this constitutional power.”⁸ In *Arizona v. United States*,⁹ a 2012 U.S. Supreme Court ruling, the Court similarly stated that “In preemption analysis, courts should assume that ‘the historic police powers of the States’ are not superseded ‘unless that was the clear and manifest purpose of Congress.’”

Tenth Amendment and Anti-Commandeering Doctrine

While the Federal Government has substantial authority to preempt state or local immigration regulations, the authority is restricted by the anti-commandeering principles of the Tenth Amendment.¹⁰ Those principles prevent Congress from “commandeering” or forcing state or local governments to implement a federal regulatory program.¹¹ Some state and local jurisdictions have relied on this principle to avoid enforcing federal immigration policies and, as a result, have established sanctuary jurisdictions.¹²

Sanctuary Jurisdictions

Although the term “sanctuary jurisdiction” is not defined in federal statute or regulation, it is generally understood to be a jurisdiction that has adopted a law or policy intended to significantly limit participation in the enforcement of federal immigration activities. States and municipalities have adopted varying degrees of sanctuary policies which have taken on multiple forms. Some jurisdictions have adopted “don’t enforce” policies in which law enforcement is restricted from cooperating with federal immigration authorities who are attempting to apprehend removable aliens. Other jurisdictions have adopted “don’t ask” policies that restrict

⁷ U.S. CONST. art. 6. The Supremacy Clause states that the Constitution and federal laws “shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.”

⁸ *De Canas v. Bica*, 424 U.S. 351, 355 (1976).

⁹ *Arizona v. United States*, 567 U.S. 387, 400 (2012). See also *United States v. California*, 314 F. Supp. 3d 1077, 1085 (E.D. Cal. 2018)

¹⁰ The Tenth Amendment to the United States Constitution provides “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

¹¹ *New York v. U.S.*, 505 U.S. 144, 188 (1992). In weighing whether a federal law that created incentives for states to dispose of low-level radioactive waste violated the anti-commandeering doctrine the Court held, “Whatever the outer limits of that sovereignty may be, one thing is clear: The Federal Government may not compel the States to enact or administer a federal regulatory program.” See also *Printz v. United States*, 521 U.S. 898 (1997). The Court has also held that every federal requirement imposed on state or local entities is not necessarily a violation of the anti-commandeering doctrine. Some federal statutes that require states to collect and report information to federal agencies are acceptable. *Reno v. Condon*, 528 U.S. 141 (2000).

¹² Sarah S. Herman, Congressional Research Service, *State and Local “Sanctuary” Policies Limiting Participation in Immigration Enforcement* (March 23, 2017), <https://fas.org/sgp/crs/homsec/R44795.pdf>.

law enforcement officials from inquiring about someone’s immigration status. Yet other entities have adopted “don’t tell” policies that restrict local law enforcement officials from sharing information with federal immigration officials. These last measures are primarily directed at preventing federal immigration officials from relying on the information to identify and arrest for removal aliens who are unlawfully present. Some jurisdictions have even adopted policies that prevent law enforcement officials from alerting federal immigration officials about the release status of aliens who are incarcerated.¹³

Sanctuary Jurisdictions in Florida

It is difficult to determine how many sanctuary jurisdictions, if any, exist in Florida because organizations use different criteria for making their determinations. For example, the Federation for American Immigration Reform (FAIR) released a list of sanctuary jurisdictions in May 2018 which stated that, as of April 2018, 12 counties and 3 cities qualified as Florida sanctuary jurisdictions.¹⁴ The Center for Immigration Studies provided a list of sanctuary jurisdictions, updated October 2018, which stated that Alachua and Clay Counties were sanctuary jurisdictions.¹⁵

Perhaps one of the most objective ways to measure whether an entity is a sanctuary jurisdiction is to determine whether it is disqualified from receiving federal criminal justice grant funds due to perceived violations of federal immigration law. Those violations generally involve limiting or restricting communication and information between a state or local entity and the Department of Homeland Security (DHS) about an immigrant’s status or release. The Florida Department of Law Enforcement (FDLE) serves as the state administering agency for the federal Byrne Justice Assistance Grant Program.¹⁶ According to FDLE and the U.S. Department of Justice (DOJ), Office of Justice Programs, applicants that seek grant funding¹⁷ from the Department of Justice must submit specific certifications from the attorney general and the chief executive officer, which is either the governor or mayor, stating that the applicant complies with 8 U.S.C. s. 1373¹⁸

¹³ *Id.*

¹⁴ Federation for American Immigration Reform, *Sanctuary Jurisdictions Nearly Double Since President Trump Promised to Enforce Our Immigration Laws*, 52-55 (May 2018), <http://www.fairus.org/sites/default/files/2018-05/Sanctuary-Report-FINAL-2018.pdf>. FAIR stated that it drew its information from resolutions, ordinances, and policy directives as well as secondary sources. The counties listed were Alachua, Bradford, Broward, Flagler, Gulf, Highlands, Leon, Palm Beach, Seminole, St. Lucie, Volusia, and Washington. The cities were Key West, St. Petersburg, and West Palm Beach.

¹⁵ Center for Immigration Studies, *Fact Sheet, Sanctuary Cities, Counties, and States* (Oct. 2018), <https://cis.org/Fact-Sheet/Sanctuary-Cities>.

¹⁶ Email from Rona Kay Cradit, Bureau Chief, Office of Criminal Justice Grants, Florida Department of Law Enforcement (Feb. 5, 2019) (on file with the Senate Committee on Judiciary).

¹⁷ The grants are Edward Byrne Memorial Justice Assistance Grant program, funded through the U.S. Department of Justice, the largest source of criminal justice grant funding.

¹⁸ The requirements of 8 U.S.C. s. 1373 have been found unconstitutional by federal district courts with respect to the jurisdictions in those cases. However, the issues in those cases are under appeal. See *State of New York v. Department of Justice*, 343 F.Supp.3d 213, (S.D.N.Y. 2018), *appeal docketed*, No. 19-275 (2nd Cir. Jan. 28, 2019). The text of 8 U.S.C. s. 1373 is as follows:

§1373. Communication between government agencies and the Immigration and Naturalization Service

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to,

and does not restrict communications between state and local agencies and DHS entities regarding someone's citizenship or immigration status. Beginning in 2017, the Office of Justice Programs added two requirements for applicants to receive grant funding: an award recipient must permit DHS access to correctional and detention facilities to meet with an alleged alien to inquire about his or her right to be in the country; and an award recipient must also provide DHS a minimum of 48 hours' advance notice concerning the scheduled release time and date of someone in the jurisdiction's custody when DHS requests that notice in order to take the person into custody.¹⁹

As of February 5, 2019, FDLE has received 188 executed attorney general certifications and 111 executed chief executive officer certifications from county and municipal governments.²⁰ In essence, these entities are stating that they comply with federal law and do not limit, restrict, or prohibit the exchange of information between governmental entities, agencies, or persons concerning the citizenship or immigration status of a person. This is the criteria many groups use to determine what constitutes a sanctuary jurisdiction.

Only one Florida municipality, the City of West Palm Beach, appeared on a compliance review list released by DOJ in January 2018.²¹ The city was required to submit documentation to the Department of Justice demonstrating whether its employees could communicate with DOJ, DHS, ICE, or their agents.²² The City of West Palm Beach now appears on the current FDLE list of jurisdictions that have submitted certifications stating that it is in compliance with federal immigration laws.

or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

¹⁹ U.S. Department of Justice, Office of Justice Programs, *Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements – FY 2017 Awards; Alert: New Requirements for Certain FY 2017 Programs* (2017), <https://ojp.gov/funding/Explore/SolicitationRequirements/index.htm>.

²⁰ See Email from Rona Kay Credit, *supra* note 16.

²¹ *Id.*

²² Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, Correspondence to the City of West Palm Beach, p. 25-26 (Jan. 24, 2018), <https://www.justice.gov/opa/press-release/file/1028311/download>.

Immigration Law and Removals

The Federal Government, through immigration law,²³ seeks to control the number and type of aliens who are granted permission to enter, remain in the United States, and become citizens. Just as the Federal Government has established criteria for entering the country, it has also established formal criteria and procedures for removing or deporting an alien from this country who has violated the immigration laws. An alien may be removed for a number of reasons, including entering the country illegally, remaining longer than a visa authorizes, committing marriage fraud to obtain entry, or committing certain crimes.²⁴

Immigration Detainers

An immigration detainer is a notice that the Department of Homeland Security issues to a law enforcement agency, whether federal, state, or local, to notify the agency that Immigration and Customs Enforcement (ICE) intends to take custody of someone in the custody of that law enforcement agency. A copy of the federal detainer form currently used by the Department of Homeland Security appears at the end of this analysis.²⁵

A detainer serves three purposes:

- To serve notice to a law enforcement agency that ICE intends to take custody of an alien who is in the agency's custody once he or she is no longer subject to that agency's detention;
- To request information from the law enforcement agency concerning the alien's upcoming release so that ICE may gain custody before the alien is released; and
- To request a law enforcement agency to maintain custody, for no more than 48 hours, of an alien who otherwise would be released in order to permit ICE enough time to assume custody. The 48 hour period excludes Saturday, Sundays, and holidays.²⁶

According to U.S. Immigration and Customs Enforcement, detainers are an essential tool ICE needs to identify and remove criminal aliens who are currently in the custody of federal, state, or local law enforcement. ICE is dependent on state and local law enforcement to cooperate and partner with them in this effort.²⁷

Whether to comply with a federal immigration detainer has been a challenging issue for local law enforcement agencies. For many years, sheriffs' offices simply honored detainers and provided the requested information about the detention or upcoming release of someone held in custody. In 2014, this changed. Two federal court cases²⁸ questioned the legality of detaining an

²³ The Immigration and Nationality Act of 1952 and its amendments contain the current body of immigration law. It is contained in 8 U.S.C.A., Title 8 – Aliens and Nationality.

²⁴ 8 U.S.C. s. 1227.

²⁵ DHS Form I-247A.

²⁶ *Ice Detainers: Frequently Asked Questions*, U.S. Immigration and Customs Enforcement (Dec. 28, 2011), <https://www.ice.gov/ice-detainers-frequently-asked-questions>.

²⁷ *Id.* The authority to issue a detainer stems from federal regulations found at 8 C.F.R. § 287.7, which arises from the Secretary's power under the Immigration and Nationality Act § 103(a)(3), 8 U.S.C. 1103(a)(3), to issue "regulations ... necessary to carry out [her] authority" under the INA, and from ICE's general authority to detain individuals who are subject to removal or removal proceedings."

²⁸ *Galarza v. Szalczyk*, 745 F. 3d 634 (3d Cir. 2014) and *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Ore. April 11, 2014).

inmate based solely upon a detainer from ICE when there was no accompanying probable cause to support the detention.²⁹ In both cases the plaintiffs were detained pursuant to ICE detention orders. Information was provided to the counties which indicated that investigations were being undertaken to learn whether the plaintiffs were candidates for removal and deportation. Both counties were ultimately held civilly liable for an unlawful seizure, even though the counties complied with a federal regulation cited in the detainer form that gave them the apparent authority to detain the inmates. Not surprisingly, ICE detainers have been interpreted by federal courts to be requests, not mandatory commands that deprive an agency of any discretion whether to detain an alien. In *Galarza*, the court noted that under the Tenth Amendment, immigration officials may not command state and local officials to imprison suspected aliens, because doing so would be inconsistent with the anti-commandeering principle of the Tenth Amendment.³⁰

New Enforcement Policy Between ICE and 29 Florida Sheriffs

On January 17, 2018, the U.S. Immigration and Customs Enforcement office issued a news release announcing that 17 basic ordering agreements had been agreed to with sheriffs around the state. The number of agreements is now at 29.³¹ These agreements detail “a new process to clarify that aliens held by these jurisdictions are held under the color of federal authority.” As such, the local law enforcement jurisdictions receive “liability protection from potential litigation as a result of faithfully executing their public safety duties.” The news release stated that sheriffs will no longer have to choose between releasing criminal illegal aliens from their custody back into the community or exposing themselves to potential civil liability for violating the alien’s civil rights. The participating sheriffs will also receive compensation for complying with the detainers.³²

Texas Legislation and Litigation

In 2017, Texas enacted SB 4, a law that, among other things, prohibited local authorities from restricting their cooperation or communication with federal immigration enforcement officials and directed local law enforcement to comply with ICE detainer requests.³³ Several cities moved for preliminary injunctive relief before the bill became effective. The plaintiffs challenged the bill in Federal District Court on the grounds of federal preemption and violations of First Amendment free speech and Fourth Amendment search and seizure protections.³⁴ The court granted a preliminary injunction preventing several sections of the law from taking effect. The state appealed to the U.S. Court of Appeals for the Fifth Circuit and requested a stay of each injunction. The Fifth Circuit ultimately upheld the majority of the statute.³⁵ In a lengthy decision the court determined that:

- Texas was not preempted from enacting the legislation;

²⁹ Florida Sheriffs Association, *Legal Alert: ICE Detainers* (on file with the Senate Committee on Judiciary).

³⁰ *Galarza*, 745 F. 3d at 643.

³¹ Email from Matt Dunagan, Deputy Executive Director of Operations, Florida Sheriffs Association (Feb. 7, 2019) (on file with the Senate committee on Judiciary).

³² U.S. Immigration and Customs Enforcement, News Releases, *ICE, 17 FL Sheriffs Announce New Enforcement Partnership* (Jan. 17, 2018) <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

³³ *Texas Senate Bill 4* (2017-2018), <https://legiscan.com/TX/bill/SB4/2017>.

³⁴ *City of El Cenizo, et al., v. State of Texas, et. al.*, 264 F. Supp. 3d 744 (2017).

³⁵ *City of El Cenizo, et al., v. State of Texas, et al.*, 890 F. 3d 164 (2018).

- A requirement that law enforcement agencies comply with an immigration detainer request when the agency had custody of a person who was the subject of the detainer was not facially unconstitutional;
- The Fourth Amendment prohibition against unlawful search and seizure did not require probable cause of criminality in order to detain someone in the context of immigration law; and
- The Texas constitution did not prevent the state from pre-empting the home-rule authority of cities when it passed the law.

The *City of El Cenizo* opinion, the case upholding Texas SB 4, has been somewhat distinguished by other cases, one of which is a Florida federal district case in Miami that is still in the discovery stage.³⁶ In that case, the plaintiffs, comprised of aliens and immigrant advocacy groups, brought an action against Miami-Dade County and alleged that the county violated their civil rights under the Fourth Amendment when it arrested them based upon an ICE detainer request and without probable cause to believe that they had committed a crime. Miami-Dade County moved to dismiss the plaintiffs' case. The court concluded that it "does not find the analysis in *EL Cenizo* persuasive or helpful . . ." and ruled that the plaintiffs had alleged enough facts under the Fourth Amendment to withstand a complete motion to dismiss. This case is ongoing.

III. Effect of Proposed Changes:

The Rule of Law Adherence Act

SB 168 creates the "Rule of Law Adherence Act" in chapter 908, F.S. The act seeks to ensure that state and local governments cooperate with the federal government to enforce, and not obstruct, immigration laws. In its most general terms, the bill prohibits sanctuary jurisdictions, requires state and local entities to comply with federal immigration detainers, and provides legal remedies to redress noncompliance with the act. The act is divided into four general categories: Findings and Definitions; Duties; Enforcement; and Miscellaneous.

Part I – Findings and Definitions

Findings and Intent (s. 908.101, F.S.)

The first legislative findings note two important state interests:

- State and local governments and their officials owe the citizens and other persons lawfully present a duty to assist the Federal Government with enforcement of immigration laws, including the duty to comply with federal immigration detainers; and
- In the interest of public safety and adherence to federal law, the state must support federal immigration enforcement efforts and ensure that those efforts are not impeded by laws, policies, or similar procedures.

The third and final point is that state and local entities and their officials who encourage the unlawful presence of persons in the state or who shield those persons from personal responsibility for their unlawful actions breach their duty and should be held accountable.

³⁶ *C.F.C. et al., v. Miami-Dade County*, 2018 WL 6616030.

Part II – Duties

Sanctuary Policies are Prohibited (s. 908.201, F.S.)

A state entity, local governmental entity, or law enforcement agency is prohibited from adopting or having a sanctuary policy. A sanctuary policy is generally defined as a law or policy which contravenes 8 U.S.C. s. 1373(a) or (b), by:

- Prohibiting or restricting information between a Federal, state, or local government agency and the Immigration and Naturalization Service regarding the citizenship or immigration status of an individual; or
- Prohibiting or restricting a Federal, state, or local government entity from sending, requesting, receiving, maintaining, or exchanging information regarding the immigration status of an individual to, or from, the Immigration and Naturalization Service.

Additionally, a sanctuary policy means a policy which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with regard to federal immigration enforcement, including, but not limited to, limiting or preventing a state entity, local governmental entity, or law enforcement agency from:

- Complying with an immigration detainer;
- Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in its custody;
- Providing a federal immigration agency access to an inmate for an interview;
- Initiating an immigration status investigation; or
- Providing a federal immigration agency with an inmate's incarceration status or release date.

Cooperation with Federal Immigration Authorities is Required (s. 908.202, F.S.)

A state entity, law enforcement agency, or local governmental entity must comply with and support the enforcement of federal immigration law. However, this requirement only applies to an official, representative, agent, or employee when he or she is acting within the scope of official duties or scope of employment.

The bill prohibits any restrictions on a state entity, local governmental entity, or law enforcement agency's ability to:

- Send information regarding a person's immigration status to, or requesting, receiving, or reviewing that information from a federal immigration agency;
- Record and maintain immigration information for purposes of the act;
- Exchange immigration information with a federal immigration agency, state entity, local governmental entity, or law enforcement agency;
- Use immigration information to determine eligibility for a public benefit, service, or license;
- Use immigration information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, local government ordinance or regulation, or pursuant to a judicial order;
- Use immigration information to comply with an immigration detainer; or
- Use immigration information to confirm the identity of a person who is detained by a law enforcement agency.

Criminal Cases

The bill requires a judge in a criminal case to order a secure correctional facility where the defendant is to be confined to reduce a defendant's sentence by not more than 7 days if the facility determines that the reduction will facilitate the defendant's seamless transfer into federal custody if he or she is subject to an immigration detainer. The judge must indicate on the record that the defendant is subject to an immigration detainer or otherwise indicate that the defendant is subject to transfer into federal custody when making the order. If a judge does not have this information at the time of sentencing, he or she must issue the order to the secure correctional facility as soon as the information becomes available.

Transport

The bill permits a law enforcement agency that has received verification from a federal immigration agency that an alien in the law enforcement agency's custody is unlawfully present in the United States to securely transport the alien to a federal facility in this state or to a point of transfer to federal custody outside the jurisdiction of the agency. However, the law enforcement agency must first obtain judicial authorization before transporting the alien outside of the state.

Victims or Witnesses

The cooperation and support requirements in this section do not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim or witness to a criminal offense if the victim or witness timely cooperates in good faith in the investigation or prosecution of the crime. A victim or witness's cooperation must be documented in the entity's or agency's investigative records, and the entity or agency must retain the records for at least 10 years for the purposes of audit, verification, or inspection by the Auditor General.

Duties Related to Certain Arrested Persons (s. 908.203, F.S.)

The bill details procedures for a law enforcement agency to follow when a person is arrested and he or she cannot provide proof of lawful presence in the United States. Within 48 hours after the arrest and before he or she is released on bond, the agency must review any information available from a federal immigration agency. If the information reveals that the person is not a citizen and is unlawfully present, the agency must:

- Provide immediate notice of the person's arrest and charges to a federal immigration agency;
- Notify the judge authorized to grant or deny the person's release on bail of that information; and
- Record the arrest and charges in the person's case file.

A law enforcement agency is not required to perform this duty when a person is transferred to it from another agency if the previous agency performed the duty before the transfer. A judge who receives notice of a person's immigration status pursuant to this duty must record the status in the court record.

Duties Related to Immigration Detainers (s. 908.204, F.S.)

The bill establishes the duties of a law enforcement agency when it has custody of someone subject to an immigration detainer. If an agency has custody of a person subject to a detainer, the agency must:

- Inform the judge who is authorized to grant or deny bail that the person is subject to a detainer;
- Record the detainer information in the person's case file; and
- Comply with, honor, and fulfill the requests made in the detainer.

A law enforcement agency is not required to perform the three duties listed above for a person who is transferred from another law enforcement agency if the previous agency performed the duty before transferring custody. Additionally, a judge who receives notice that someone is subject to an immigration detainer must ensure that the detainer information is recorded in the court record, regardless of whether the detainer notice is received before or after a judgment is rendered in the case.

Reimbursement of Costs from a Detained Person (s. 908.205, F.S.)

The bill authorizes a board of county commissioners to adopt an ordinance requiring any person detained pursuant to an immigration detainer to reimburse the county for any expenses incurred in detaining that person. However, the person is not liable for expenses if a federal immigration agency determines that the immigration detainer was improperly issued.

The bill also authorizes a local government or a law enforcement agency to petition the Federal Government for the reimbursement of detention and compliance costs when the costs are incurred in support of federal immigration law.

Duty to Report Violations (s. 908.206, F.S.)

An official or employee of a state entity, local governmental entity, or law enforcement agency must promptly report a known or probable violation of the act to either the Attorney General or a state attorney having jurisdiction over the entity or agency. If he or she willfully and knowingly fails to report a known or probable violation of the act, he or she may be suspended or removed from office under general law and Article IV section 7 of the State Constitution.³⁷

The bill protects, pursuant to the state's Whistleblower Act,³⁸ any official or employee of a state entity, local governmental entity, or law enforcement agency who is retaliated against by the entity or agency or denied employment because he or she complied with the duty to report.

³⁷ Article IV, section 7 of the State Constitution provides that the Governor may suspend "any state officer not subject to impeachment . . . or any county officer for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor." The Senate then "may . . . remove from office or reinstate the suspended official . . ."

³⁸ Section 112.3187, F.S.

Implementation (s. 908.207, F.S.)

Chapter 908, F.S., which is the substance of the bill must be implemented to the fullest extent authorized by federal law regulating immigration and the legislative findings announced earlier in the bill.

Part III – Enforcement

Complaints (s. 908.301, F.S.)

The Attorney General must provide, through the Department of Legal Affairs' website, the format for someone to submit a complaint alleging that a violation of this chapter has occurred. Anonymous complaints are permitted as well as complaints submitted in a different format. Anyone has standing to submit a complaint.

Penalties (s. 908.302, F.S.)

The responsibility to investigate credible complaints rests with the state attorney for the county where the state entity is headquartered or where a local governmental entity or law enforcement agency is located. The results of the investigation must be provided to the Attorney General in a timely manner.

When the state attorney receives a complaint, the entity in question must comply with a document request by the state attorney. If the state attorney determines that a complaint is valid, he or she, no later than 10 days after the determination is made, must provide written notification to the entity that:

- The complaint has been filed.
- The state attorney has determined that the complaint is valid.
- The state attorney is authorized to file an action to enjoin the violation if the entity does not comply with chapter 908, F.S., on or before the 60th day after notice is provided.

Within 30 days after receiving a written notice from the state attorney of a violation, the entity must provide the state attorney with a copy of:

- The entity's written policies and procedures regarding federal immigration agency enforcement actions, including policies and procedures for immigration detainers.
- Each immigration detainer received from a federal immigration agency in the current calendar year-to-date as well as the two previous calendar years.
- Each response sent by the entity for an immigration detainer in the current calendar year-to-date and the two previous calendar years.

The Attorney General, the state attorney who conducted the investigation, or a state attorney who has been ordered by the Governor³⁹ to conduct an investigation, may institute proceedings in circuit court to enjoin an entity or law enforcement agency found to be in violation of this act. The circuit court is required to expedite the action, including setting a hearing at the earliest practicable time. If the Attorney General brings an action, the venue may be in Leon County.

³⁹ Section 27.14, F.S. authorizes the Governor to issue an executive order requiring a state attorney from one circuit to replace a state attorney for an investigation, case, or matter "for any other good and sufficient reason" when the Governor determines that the ends of justice would be best served."

Upon an adjudication, or as provided in a consent decree,⁴⁰ that a sanctuary policy violation has occurred, the court must enjoin the unlawful sanctuary policy and order the violating entity to pay a civil penalty to the state of at least \$1,000, but not more than \$5,000, for each day the sanctuary policy was in effect. This calculation begins on October 1, 2019, or the date the sanctuary policy was first enacted, whichever occurs later, and is measured until the date the injunction was granted. The court maintains continuing jurisdiction over the parties and subject matter and may enforce its orders by imposing additional civil penalties as provided for in the bill and with contempt proceedings as provided by law. Payments must be remitted to the Chief Financial Officer who will deposit the payment into the General Revenue fund.

When a court approves a consent decree or grants an injunction or civil penalty as discussed above, the court must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates the act and identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal of prohibition of the sanctuary policy. The court must provide a copy of the consent decree or order with written findings to the Governor within 30 days after issuing the decree or order. The sanctuary policymaker identified in an order, injunction, or penalty may be suspended or removed from office under the provisions of general law or the State Constitution.⁴¹ All civil penalties must be paid to the CFO who will deposit the penalties into the General Revenue Fund.

The bill prohibits using public funds to defend or reimburse a sanctuary policymaker, official, or entity who knowingly and willfully violates the provisions of the act unless the payment is required by law.

Civil Causes of Action for Personal Injury or Wrongful Death (s. 908.303, F.S.)

The bill provides a cause of action for someone injured or killed by the tortious acts or omissions of an alien unlawfully present in the United States. The cause of action may be against a state entity, local governmental entity, or law enforcement agency for violation of a sanctuary policy prohibition or for not cooperating with federal immigration authorities.

To prevail, the injured person or personal representative must prove by the greater weight of the evidence the existence of a sanctuary policy in violation of s. 908.201, F.S., and either

- A failure to comply with the provisions requiring cooperation with the federal immigration authorities that results in the alien having access to the person harmed; or
- A failure to comply with an immigration detainer that results in the alien having access to the person harmed.

A lawsuit brought for personal injury or death may not be brought against a person who holds public office or who has official duties as a representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency, including a sanctuary policymaker.

A trial by jury is a matter of right in these actions. A final judgment for a plaintiff must include written findings of fact that describe with specificity the existence and nature of the violative

⁴⁰ A consent decree, sometimes referred to as a consent order, is a court decree in which all parties agree. BLACK'S LAW DICTIONARY (10th ed. 2014).

⁴¹ See the constitutional framework for suspensions and removals, *supra* note 37.

sanctuary policy and identify each policymaker who voted for the policy, allowed it to be implemented, or voted against its repeal or prohibition. The court must provide the Governor a copy of the final judgment within 30 days after the judgment is rendered. A sanctuary policymaker identified in the final judgment may be suspended or removed from office as provided by law.

The bill does not create a private cause of action against a state entity, local governmental entity, or law enforcement agency that complies with the bill.

Ineligibility for State Grant Funding (s. 908.304, F.S.)

If a state entity, local governmental entity, or law enforcement agency is found to have a sanctuary policy in effect that is a violation of chapter 908, F.S., that entity is not eligible to receive funding from a nonfederal grant program administered by state agencies that receive funding from the General Appropriations Act for 5 years from the date of adjudication that the policy is a violation of the chapter.

The state attorney must notify the Chief Financial Officer of an adjudicated violation of this chapter and provide him or her with a copy of the final court injunction, order, or judgment. When the CFO receives the notice, he or she must timely inform the pertinent state agencies of the adjudicated violation and direct the agencies to cancel all pending grant applications and enforce the ineligibility of the entity. These provisions do not apply to:

- Funding received as a result of an appropriation to a specifically named entity or agency in the General Appropriations Act or other law; or
- Grants awarded before an adjudication that an entity had a sanctuary policy in effect that was a violation of this chapter.

Part IV – Miscellaneous

Education Records (s. 908.401, F.S.)

The bill provides that it does not apply to the release of education records of an educational agency or institution, unless that release conforms to the provisions of the Family Educational Rights and Privacy Act of 1974. For purposes of that bill, education records mean those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for the agency or institution. Education records do not include records of instructional, supervisory, and administrative personnel, records maintained by a law enforcement unit of the educational agency or institution, certain employment records for people who are not in attendance at the agency or institution, and medical or psychological records used in treating a student.⁴²

Discrimination Prohibited (s. 908.402, F.S.)

The bill prohibits discrimination based upon a person's gender, race, religion, national origin, or physical disability, except as authorized by the United States Constitution or State Constitution.

⁴² 20 U.S.C. 1232g(a)(4)(A) and (B).

Repeal of Sanctuary Policies Required (Section 3)

Any sanctuary policy, as defined in the bill, in effect on the effective date of the act must be repealed within 90 days after the act's effective date.

Effective Dates

The act takes effect on July 1, 2019, but the sections pertaining to enforcement penalties contained in s. 908.302, F.S., and civil causes of action for injury or death by an unlawfully present alien, s. 908.303, F.S., take effect on October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

It appears that the bill, by requiring counties and municipalities to comply with immigration detainers, requires a "county or municipality to spend funds or to take an action requiring the expenditure of funds" as described in Article VII, section 18 of the Florida Constitution. However, the bill contains legislative findings that "it is an important state interest that state and local governmental entities and their officials" assist the Federal Government in its enforcement of federal immigration laws, including their compliance with federal immigration detainers. The bill authorizes a board of county commissioners to adopt an ordinance to recover the detainer costs incurred by complying with an immigration detainer. Additionally, many sheriffs' offices have entered into basic ordering agreements with the Federal Government and are reimbursed for housing inmates, pursuant to a detainer, at a rate of \$50 for up to 48 hours of detention.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 908.101, 908.102, 908.201, 908.202, 908.203, 908.204, 908.205, 908.206, 908.207, 908.301, 908.302, 908.303, 908.304, 908.401, and 908.402.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-8020.
 - **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
 - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
 - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in Ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-8020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____ .

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

- in person by inmate mail delivery other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in Ink)



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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Short title.—This act may be cited as the “Rule
of Law Adherence Act.”

Section 2. Chapter 908, Florida Statutes, consisting of
sections 908.101-908.402, is created to read:

908.101 Legislative findings and intent.—The Legislature
finds that it is an important state interest to cooperate and
assist the federal government in the enforcement of federal



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12 immigration laws within this state.

13 908.102 Definitions.—As used in this chapter, the term:

14 (1) "Federal immigration agency" means the United States
15 Department of Justice and the United States Department of
16 Homeland Security, a division within such an agency, including
17 United States Immigration and Customs Enforcement and United
18 States Customs and Border Protection, any successor agency, and
19 any other federal agency charged with the enforcement of
20 immigration law. The term includes an official or employee of
21 such an agency.

22 (2) "Immigration detainer" means a facially sufficient
23 written or electronic request issued by a federal immigration
24 agency using that agency's official form to request that another
25 law enforcement agency detain a person based on probable cause
26 to believe that the person to be detained is a removable alien
27 under federal immigration law, including detainers issued
28 pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this
29 subsection, an immigration detainer is deemed facially
30 sufficient if:

31 (a) The federal immigration agency's official form is
32 complete and indicates on its face that the federal immigration
33 official has probable cause to believe that the person to be
34 detained is a removable alien under federal immigration law; or

35 (b) The federal immigration agency's official form is
36 incomplete and fails to indicate on its face that the federal
37 immigration official has probable cause to believe that the
38 person to be detained is a removable alien under federal
39 immigration law, but is supported by an affidavit, order, or
40 other official documentation that indicates that the federal



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41 immigration agency has probable cause to believe that the person
42 to be detained is a removable alien under federal immigration
43 law.

44 (3) "Inmate" means a person in the custody of a law
45 enforcement agency.

46 (4) "Law enforcement agency" means an agency in this state
47 charged with enforcement of state, county, municipal, or federal
48 laws or with managing custody of detained persons in the state
49 and includes municipal police departments, sheriff's offices,
50 state police departments, state university and college police
51 departments, and the Department of Corrections. The term
52 includes an official or employee of such an agency.

53 (5) "Local governmental entity" means any county,
54 municipality, or other political subdivision of this state. The
55 term includes a person holding public office or having official
56 duties as a representative, agent, or employee of the entity.

57 (6) "Sanctuary policy" means a law, policy, practice,
58 procedure, or custom adopted or permitted by a state entity,
59 local governmental entity, or law enforcement agency which
60 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
61 prohibits or impedes a law enforcement agency from communicating
62 or cooperating with a federal immigration agency with respect to
63 federal immigration enforcement, including, but not limited to,
64 limiting a state entity, local governmental entity, or law
65 enforcement agency in, or prohibiting such an entity or agency
66 from:

67 (a) Complying with an immigration detainer;

68 (b) Complying with a request from a federal immigration
69 agency to notify the agency before the release of an inmate or



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70 detainee in the custody of the state entity, local governmental
71 entity, or law enforcement agency;

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

74 (d) Initiating an immigration status investigation; or

75 (e) Providing a federal immigration agency with an inmate's
76 incarceration status or release date.

77 (7) "State entity" means the state or any office, board,
78 bureau, commission, department, branch, division, or institution
79 thereof, including institutions within the State University
80 System and the Florida College System. The term includes a
81 person holding public office or having official duties as a
82 representative, agent, or employee of the entity.

83 908.201 Sanctuary policies prohibited.—A state entity, law
84 enforcement agency, or local governmental entity may not adopt
85 or have in effect a sanctuary policy.

86 908.202 Cooperation with federal immigration authorities.—

87 (1) A state entity, local governmental entity, or law
88 enforcement agency shall fully comply with and, to the full
89 extent permitted by law, support the enforcement of federal
90 immigration law. This subsection applies to an official,
91 representative, agent, or employee of the entity or agency only
92 when he or she is acting within the scope of his or her official
93 duties or within the scope of his or her employment.

94 (2) Except as otherwise expressly prohibited by federal
95 law, a state entity, local governmental entity, or law
96 enforcement agency may not prohibit or in any way restrict
97 another state entity, local governmental entity, or law
98 enforcement agency from taking any of the following actions with



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99 respect to information regarding a person's immigration status:

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

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

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

108 (d) Using the information to determine eligibility for a
109 public benefit, service, or license pursuant to federal or state
110 law or an ordinance or regulation of a local governmental
111 entity.

112 (e) Using the information to verify a claim of residence or
113 domicile if a determination of residence or domicile is required
114 under federal or state law, an ordinance or regulation of a
115 local governmental entity, or a judicial order issued pursuant
116 to a civil or criminal proceeding in this state.

117 (f) Using the information to comply with an immigration
118 detainer.

119 (g) Using the information to confirm the identity of a
120 person who is detained by a law enforcement agency.

121 (3) (a) For purposes of this subsection the term "applicable
122 criminal case" means a criminal case in which:

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

125 2. The judge:

126 a. Indicates in the record under s. 908.204 that the
127 defendant is subject to an immigration detainer; or



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

130 (b) In an applicable criminal case, at the time of
131 pronouncement of a sentence of confinement, the judge shall
132 issue an order requiring the secure correctional facility in
133 which the defendant is to be confined to reduce the defendant's
134 sentence by a period of not more than 7 days on the facility's
135 determination that the reduction in sentence will facilitate the
136 seamless transfer of the defendant into federal custody. For
137 purposes of this paragraph, the term "secure correctional
138 facility" means a state correctional institution as defined in
139 s. 944.02 or a county detention facility or a municipal
140 detention facility as defined in s. 951.23.

141 (c) If the information specified in sub-subparagraph
142 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
143 the sentence is pronounced in the case, the judge shall issue
144 the order described by paragraph (b) as soon as the information
145 becomes available.

146 (4) When a law enforcement agency receives verification
147 from a federal immigration agency that an alien in the law
148 enforcement agency's custody is unlawfully present in the United
149 States, the agency may securely transport the alien to a federal
150 facility in this state or to another point of transfer to
151 federal custody outside the jurisdiction of the law enforcement
152 agency. However, the law enforcement agency may transport an
153 alien who is confined in a secure correctional facility only
154 upon authorization by a court order unless the transportation
155 will occur within the 7 day period under subsection (3). A law
156 enforcement agency shall obtain judicial authorization before



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157 securely transporting an alien to a point of transfer outside of
158 this state.

159 (5) This section does not require a state entity, local
160 governmental entity, or law enforcement agency to provide a
161 federal immigration agency with information related to a victim
162 of or a witness to a criminal offense if the victim or witness
163 timely and in good faith responds to the entity's or agency's
164 request for information and cooperation in the investigation or
165 prosecution of the offense.

166 (6) A state entity, local governmental entity, or law
167 enforcement agency that, pursuant to subsection (5), withholds
168 information regarding the immigration information of a victim of
169 or witness to a criminal offense shall document the victim's or
170 witness's cooperation in the entity's or agency's investigative
171 records related to the offense and shall retain the records for
172 at least 10 years for the purpose of audit, verification, or
173 inspection by the Auditor General.

174 908.203 Duties related to certain arrested persons.-

175 (1) If a person is arrested and is unable to provide proof
176 of his or her lawful presence in the United States, not later
177 than 48 hours after the person is arrested, and before the
178 person is released on bond, a law enforcement agency performing
179 the booking process:

180 (a) Shall review any information available from a federal
181 immigration agency.

182 (b) If information obtained under paragraph (a) reveals
183 that the person is not a citizen of the United States and is
184 unlawfully present in the United States according to the terms
185 of the federal Immigration and Nationality Act, 8 U.S.C. ss.



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186 1101 et seq., must:

187 1. Provide prompt notice of the person's arrest and charges
188 to a federal immigration agency.

189 2. Provide notice of that fact to the judge authorized to
190 grant or deny the person's release on bail under chapter 903.

191 3. Record the person's arrest and charges in the person's
192 case file.

193 (2) A law enforcement agency is not required to perform the
194 duty imposed by subsection (1) with respect to a person who is
195 transferred to the custody of the agency by another law
196 enforcement agency if the transferring agency performed that
197 duty before the transfer.

198 (3) A judge who receives notice of a person's immigration
199 status under this section shall cause the status to be recorded
200 in the court record.

201 908.204 Duties related to immigration detainees.-

202 (1) A law enforcement agency that has custody of a person
203 subject to an immigration detainer issued by a federal
204 immigration agency shall:

205 (a) Provide to the judge authorized to grant or deny the
206 person's release on bail under chapter 903 notice that the
207 person is subject to an immigration detainer.

208 (b) Record in the person's case file that the person is
209 subject to an immigration detainer.

210 (c) Upon determining that the immigration detainer is in
211 accordance with subsection (2), comply with the requests made in
212 the immigration detainer.

213 (2) A law enforcement agency is not required to perform a
214 duty imposed by paragraph (1)(a) or paragraph (1)(b) with



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215 respect to a person who is transferred to the custody of the
216 agency by another law enforcement agency if the transferring
217 agency performed that duty before the transfer.

218 (3) A judge who receives notice that a person is subject to
219 an immigration detainer shall cause the fact to be recorded in
220 the court record, regardless of whether the notice is received
221 before or after a judgment in the case.

222 908.205 Reimbursement of costs.—

223 (1) A board of county commissioners may adopt an ordinance
224 requiring a person detained pursuant to an immigration detainer
225 to reimburse the county for any expenses incurred in detaining
226 the person pursuant to the immigration detainer. A person
227 detained pursuant to an immigration detainer is not liable under
228 this section if a federal immigration agency determines that the
229 immigration detainer was improperly issued.

230 (2) A local governmental entity or law enforcement agency
231 shall enter into an agreement for payment for detaining aliens
232 and complying with federal requests when the costs are incurred
233 in support of the enforcement of federal immigration law.
234 Compliant agreements include any basic ordering agreements
235 between the U.S. Immigration and Customs Enforcement and state
236 and local law enforcement agencies in effect on July 1, 2019, or
237 similar agreements and other agreements authorized by federal
238 law. If the payments are not made within 90 days from the
239 submission of an invoice, the local government or law
240 enforcement agency may suspend its cooperation pending payment
241 but shall immediately resume the cooperation upon payment by the
242 federal government of the amounts.

243 908.302 Enforcement.—



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244 (1) Upon adjudication by the court or as provided in a
245 consent decree declaring that a state entity, local governmental
246 entity, or law enforcement agency has violated this chapter, the
247 court shall enjoin the unlawful sanctuary policy and may award
248 reasonable costs and attorney fees to the plaintiff. The court
249 has continuing jurisdiction over the parties and subject matter
250 and may enforce its orders with the initiation of contempt
251 proceedings as provided by law.

252 (2) An order approving a consent decree or granting an
253 injunction must include written findings of fact that describe
254 with specificity the existence and nature of the sanctuary
255 policy that is in violation of s. 908.201.

256 908.401 Education records.—This chapter does not apply to
257 the release of information contained in education records of an
258 educational agency or institution, except in conformity with the
259 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
260 1232g.

261 908.402 Discrimination prohibited.—A state entity, a local
262 governmental entity, or a law enforcement agency, or a person
263 employed by or otherwise under the direction or control of the
264 entity or agency, may not base its actions under this chapter on
265 the gender, race, religion, national origin, or physical
266 disability of a person except to the extent authorized by the
267 United States Constitution or the State Constitution.

268 Section 3. A sanctuary policy, as defined in s. 908.102,
269 Florida Statutes, as created by this act, that is in effect on
270 the effective date of this act violates the public policy of
271 this state and must be repealed within 90 days after that date.

272 Section 4. Section 908.302, Florida Statutes, as created by



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273 this act, shall take effect October 1, 2019, and, except as
274 otherwise expressly provided in this act, this act shall take
275 effect July 1, 2019.

276 ===== T I T L E A M E N D M E N T =====

277 And the title is amended as follows:

278 Delete everything before the enacting clause
279 and insert:

280 A bill to be entitled
281 An act relating to federal immigration enforcement;
282 providing a short title; creating chapter 908, F.S.,
283 relating to federal immigration enforcement; providing
284 legislative findings and intent; providing
285 definitions; prohibiting sanctuary policies; requiring
286 state entities, local governmental entities, and law
287 enforcement agencies to comply with and support the
288 enforcement of federal immigration law; prohibiting
289 restrictions by the entities and agencies on taking
290 certain actions with respect to information regarding
291 a person's immigration status; providing requirements
292 concerning certain criminal defendants subject to
293 immigration detainers or otherwise subject to transfer
294 to federal custody; authorizing a law enforcement
295 agency to transport an alien unlawfully present in the
296 United States under certain circumstances; providing
297 an exception to reporting requirements for crime
298 victims or witnesses; requiring recordkeeping relating
299 to crime victim and witness cooperation in certain
300 investigations; specifying duties concerning certain
301 arrested persons; specifying duties concerning



246112

302 immigration detainers; requiring local government
303 entities and law enforcement agencies to enter
304 agreements for payments for complying with immigration
305 detainers; providing for injunctive relief and awards
306 of costs and attorney fees to prevailing plaintiffs;
307 providing for applicability to certain education
308 records; prohibiting discrimination on specified
309 grounds; providing for implementation; requiring
310 repeal of existing sanctuary policies within a
311 specified period; providing effective dates.
312



446154

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

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Senate Amendment to Amendment (246112)

Delete lines 30 - 43
and insert:
sufficient if accompanied by a valid judicial warrant.



585334

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112)**

2

3 Delete lines 60 - 76

4 and insert:

5 contravenes 8 U.S.C. s. 1373(a).



706764

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112) (with title**
2 **amendment)**

3
4 Delete lines 87 - 167
5 and insert:

6 (1) Except as otherwise expressly prohibited by federal
7 law, a state entity, local governmental entity, or law
8 enforcement agency may not prohibit or in any way restrict
9 another state entity, local governmental entity, or law
10 enforcement agency from taking any of the following actions with



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11 respect to information regarding a person's immigration status:
12 (a) Sending the information to or requesting, receiving, or
13 reviewing the information from a federal immigration agency for
14 purposes of this chapter.
15 (b) Recording and maintaining the information for purposes
16 of this chapter.
17 (c) Exchanging the information with a federal immigration
18 agency or another state entity, local governmental entity, or
19 law enforcement agency for purposes of this chapter.
20 (d) Using the information to determine eligibility for a
21 public benefit, service, or license pursuant to federal or state
22 law or an ordinance or regulation of a local governmental
23 entity.
24 (e) Using the information to verify a claim of residence or
25 domicile if a determination of residence or domicile is required
26 under federal or state law, an ordinance or regulation of a
27 local governmental entity, or a judicial order issued pursuant
28 to a civil or criminal proceeding in this state.
29 (f) Using the information to comply with an immigration
30 detainer.
31 (g) Using the information to confirm the identity of a
32 person who is detained by a law enforcement agency.
33 (2) (a) For purposes of this subsection the term "applicable
34 criminal case" means a criminal case in which:
35 1. The judgment requires the defendant to be confined in a
36 secure correctional facility; and
37 2. The judge:
38 a. Indicates in the record under s. 908.204 that the
39 defendant is subject to an immigration detainer; or



706764

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

42 (b) In an applicable criminal case, at the time of
43 pronouncement of a sentence of confinement, the judge shall
44 issue an order requiring the secure correctional facility in
45 which the defendant is to be confined to reduce the defendant's
46 sentence by a period of not more than 7 days on the facility's
47 determination that the reduction in sentence will facilitate the
48 seamless transfer of the defendant into federal custody. For
49 purposes of this paragraph, the term "secure correctional
50 facility" means a state correctional institution as defined in
51 s. 944.02 or a county detention facility or a municipal
52 detention facility as defined in s. 951.23.

53 (c) If the information specified in sub-subparagraph
54 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
55 the sentence is pronounced in the case, the judge shall issue
56 the order described by paragraph (b) as soon as the information
57 becomes available.

58 (3) When a law enforcement agency receives verification
59 from a federal immigration agency that an alien in the law
60 enforcement agency's custody is unlawfully present in the United
61 States, the agency may securely transport the alien to a federal
62 facility in this state or to another point of transfer to
63 federal custody outside the jurisdiction of the law enforcement
64 agency. However, the law enforcement agency may transport an
65 alien who is confined in a secure correctional facility only
66 upon authorization by a court order unless the transportation
67 will occur within the 7 day period under subsection (2). A law
68 enforcement agency shall obtain judicial authorization before



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69 securely transporting an alien to a point of transfer outside of
70 this state.

71 (4) This section does not require a state entity, local
72 governmental entity, or law enforcement agency to provide a
73 federal immigration agency with information related to a victim
74 of or a witness to a criminal offense if the victim or witness
75 timely and in good faith responds to the entity's or agency's
76 request for information and cooperation in the investigation or
77 prosecution of the offense.

78 (5) A state entity, local governmental entity, or law
79 enforcement agency that, pursuant to subsection (4), withholds

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete lines 285 - 289

84 and insert:

85 definitions; prohibiting certain restrictions by state
86 entities, local governmental entities, and law
87 enforcement agencies on taking



738920

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment to Amendment (246112)

Delete lines 108 - 119

and insert:

(d) Using the information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, an ordinance or regulation of a local governmental entity, or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(e) Using the information to comply with an immigration



738920

11 detainer.

12 (f) Using the information to confirm the identity of a



428534

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112) (with title**
2 **amendment)**

3
4 Delete lines 159 - 173
5 and insert:

6 (5) A state entity, local governmental entity, or law
7 enforcement agency implementing the Rule of Law Adherence Act
8 has an affirmative duty to inquire whether or not a person is a
9 victim of or a witness to a criminal offense, and if so, the
10 victim or the witness may not be subject to this act.



428534

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 296 - 300

and insert:

United States under certain circumstances; providing
that certain entities or agencies have an affirmative
duty to inquire whether or not a person is a victim of
or a witness to a criminal offense, and if so,
prohibiting them from being subject to the act;
specifying duties concerning certain



449612

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112) (with title**
2 **amendment)**

3
4 Delete lines 174 - 200.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 300 - 301

9 and insert:

10 investigations; specifying duties concerning



134748

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112) (with title**
2 **amendment)**

3
4 Delete lines 222 - 242.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 302 - 305

9 and insert:

10 immigration detainers; providing for injunctive relief



134748

11

and awards



715256

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Gruters) recommended the following:

Senate Amendment to Amendment (246112)

Delete line 238

and insert:

law. If the payments are not made within 180 days from the



465542

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment to Amendment (246112)

Delete lines 256 - 260

and insert:

908.401 Education records.-

(1) This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

(2) This chapter does not apply to any state entity, local



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11 governmental entity, or law enforcement agency involved in
12 education or educational activities.



941354

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
02/12/2019	.	
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The Committee on Judiciary (Simmons) recommended the following:

1 **Senate Substitute for Amendment (246112) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Short title.—This act may be cited as the “Rule
7 of Law Adherence Act.”

8 Section 2. Chapter 908, Florida Statutes, consisting of
9 sections 908.101-908.402, is created to read:

10 908.101 Legislative findings and intent.—The Legislature
11 finds that it is an important state interest to cooperate and



941354

12 assist the federal government in the enforcement of federal
13 immigration laws within this state.

14 908.102 Definitions.—As used in this chapter, the term:

15 (1) "Federal immigration agency" means the United States
16 Department of Justice and the United States Department of
17 Homeland Security, a division within such an agency, including
18 United States Immigration and Customs Enforcement and United
19 States Customs and Border Protection, any successor agency, and
20 any other federal agency charged with the enforcement of
21 immigration law. The term includes an official or employee of
22 such an agency.

23 (2) "Immigration detainer" means a facially sufficient
24 written or electronic request issued by a federal immigration
25 agency using that agency's official form to request that another
26 law enforcement agency detain a person based on probable cause
27 to believe that the person to be detained is a removable alien
28 under federal immigration law, including detainers issued
29 pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this
30 subsection, an immigration detainer is deemed facially
31 sufficient if:

32 (a) The federal immigration agency's official form is
33 complete and indicates on its face that the federal immigration
34 official has probable cause to believe that the person to be
35 detained is a removable alien under federal immigration law; or

36 (b) The federal immigration agency's official form is
37 incomplete and fails to indicate on its face that the federal
38 immigration official has probable cause to believe that the
39 person to be detained is a removable alien under federal
40 immigration law, but is supported by an affidavit, order, or



41 other official documentation that indicates that the federal
42 immigration agency has probable cause to believe that the person
43 to be detained is a removable alien under federal immigration
44 law.

45 (3) "Inmate" means a person in the custody of a law
46 enforcement agency.

47 (4) "Law enforcement agency" means an agency in this state
48 charged with enforcement of state, county, municipal, or federal
49 laws or with managing custody of detained persons in the state
50 and includes municipal police departments, sheriff's offices,
51 state police departments, state university and college police
52 departments, and the Department of Corrections. The term
53 includes an official or employee of such an agency.

54 (5) "Local governmental entity" means any county,
55 municipality, or other political subdivision of this state. The
56 term includes a person holding public office or having official
57 duties as a representative, agent, or employee of the entity.

58 (6) "Sanctuary policy" means a law, policy, practice,
59 procedure, or custom adopted or permitted by a state entity,
60 local governmental entity, or law enforcement agency which
61 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
62 prohibits or impedes a law enforcement agency from communicating
63 or cooperating with a federal immigration agency with respect to
64 federal immigration enforcement, including, but not limited to,
65 limiting a state entity, local governmental entity, or law
66 enforcement agency in, or prohibiting such an entity or agency
67 from:

68 (a) Complying with an immigration detainer;

69 (b) Complying with a request from a federal immigration



941354

70 agency to notify the agency before the release of an inmate or
71 detainee in the custody of the state entity, local governmental
72 entity, or law enforcement agency;

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

75 (d) Initiating an immigration status investigation; or

76 (e) Providing a federal immigration agency with an inmate's
77 incarceration status or release date.

78 (7) "State entity" means the state or any office, board,
79 bureau, commission, department, branch, division, or institution
80 thereof, including institutions within the State University
81 System and the Florida College System. The term includes a
82 person holding public office or having official duties as a
83 representative, agent, or employee of the entity.

84 908.201 Sanctuary policies prohibited.—A state entity, law
85 enforcement agency, or local governmental entity may not adopt
86 or have in effect a sanctuary policy.

87 908.202 Cooperation with federal immigration authorities.—

88 (1) A state entity, local governmental entity, or law
89 enforcement agency shall use best efforts to support the
90 enforcement of federal immigration law. This subsection applies
91 to an official, representative, agent, or employee of the entity
92 or agency only when he or she is acting within the scope of his
93 or her official duties or within the scope of his or her
94 employment.

95 (2) Except as otherwise expressly prohibited by federal
96 law, a state entity, local governmental entity, or law
97 enforcement agency may not prohibit or in any way restrict
98 another state entity, local governmental entity, or law



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99 enforcement agency from taking any of the following actions with
100 respect to information regarding a person's immigration status:

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

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

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

109 (d) Using the information to determine eligibility for a
110 public benefit, service, or license pursuant to federal or state
111 law or an ordinance or regulation of a local governmental
112 entity.

113 (e) Using the information to verify a claim of residence or
114 domicile if a determination of residence or domicile is required
115 under federal or state law, an ordinance or regulation of a
116 local governmental entity, or a judicial order issued pursuant
117 to a civil or criminal proceeding in this state.

118 (f) Using the information to comply with an immigration
119 detainer.

120 (g) Using the information to confirm the identity of a
121 person who is detained by a law enforcement agency.

122 (3) (a) For purposes of this subsection the term "applicable
123 criminal case" means a criminal case in which:

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

126 2. The judge:

127 a. Indicates in the record under s. 908.204 that the



941354

128 defendant is subject to an immigration detainer; or
129 b. Otherwise indicates in the record that the defendant is
130 subject to a transfer into federal custody.
131 (b) In an applicable criminal case, at the time of
132 pronouncement of a sentence of confinement, the judge shall
133 issue an order requiring the secure correctional facility in
134 which the defendant is to be confined to reduce the defendant's
135 sentence by a period of not more than 7 days on the facility's
136 determination that the reduction in sentence will facilitate the
137 seamless transfer of the defendant into federal custody. For
138 purposes of this paragraph, the term "secure correctional
139 facility" means a state correctional institution as defined in
140 s. 944.02 or a county detention facility or a municipal
141 detention facility as defined in s. 951.23.
142 (c) If the information specified in sub-subparagraph
143 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
144 the sentence is pronounced in the case, the judge shall issue
145 the order described by paragraph (b) as soon as the information
146 becomes available.
147 (4) When a law enforcement agency receives verification
148 from a federal immigration agency that an alien in the law
149 enforcement agency's custody is unlawfully present in the United
150 States, the agency may securely transport the alien to a federal
151 facility in this state or to another point of transfer to
152 federal custody outside the jurisdiction of the law enforcement
153 agency. However, the law enforcement agency may transport an
154 alien who is confined in a secure correctional facility only
155 upon authorization by a court order unless the transportation
156 will occur within the 7 day period under subsection (3). A law



941354

157 enforcement agency shall obtain judicial authorization before
158 securely transporting an alien to a point of transfer outside of
159 this state.

160 (5) This section does not require a state entity, local
161 governmental entity, or law enforcement agency to provide a
162 federal immigration agency with information related to a victim
163 of or a witness to a criminal offense if the victim or witness
164 timely and in good faith responds to the entity's or agency's
165 request for information and cooperation in the investigation or
166 prosecution of the offense.

167 (6) A state entity, local governmental entity, or law
168 enforcement agency that, pursuant to subsection (5), withholds
169 information regarding the immigration information of a victim of
170 or witness to a criminal offense shall document the victim's or
171 witness's cooperation in the entity's or agency's investigative
172 records related to the offense and shall retain the records for
173 at least 10 years for the purpose of audit, verification, or
174 inspection by the Auditor General.

175 908.203 Duties related to certain arrested persons.-

176 (1) If a person is arrested and is unable to provide proof
177 of his or her lawful presence in the United States, not later
178 than 48 hours after the person is arrested, and before the
179 person is released on bond, a law enforcement agency performing
180 the booking process:

181 (a) Shall review any information available from a federal
182 immigration agency.

183 (b) If information obtained under paragraph (a) reveals
184 that the person is not a citizen of the United States and is
185 unlawfully present in the United States according to the terms



941354

186 of the federal Immigration and Nationality Act, 8 U.S.C. ss.
187 1101 et seq., unless good cause is shown in the furtherance of
188 safety and law enforcement practices, must:

189 1. Provide prompt notice of the person's arrest and charges
190 to a federal immigration agency.

191 2. Provide notice of that fact to the judge authorized to
192 grant or deny the person's release on bail under chapter 903.

193 3. Record the person's arrest and charges in the person's
194 case file.

195 (2) A law enforcement agency is not required to perform the
196 duty imposed by subsection (1) with respect to a person who is
197 transferred to the custody of the agency by another law
198 enforcement agency if the transferring agency performed that
199 duty before the transfer.

200 (3) A judge who receives notice of a person's immigration
201 status under this section shall cause the status to be recorded
202 in the court record.

203 908.204 Duties related to immigration detainers.—

204 (1) A law enforcement agency that has custody of a person
205 subject to an immigration detainer issued by a federal
206 immigration agency shall:

207 (a) Provide to the judge authorized to grant or deny the
208 person's release on bail under chapter 903 notice that the
209 person is subject to an immigration detainer.

210 (b) Record in the person's case file that the person is
211 subject to an immigration detainer.

212 (c) Upon determining that the immigration detainer is in
213 accordance with s. 908.102(2), comply with the requests made in
214 the immigration detainer.



941354

215 (2) A law enforcement agency is not required to perform a
216 duty imposed by paragraph (1)(a) or paragraph (1)(b) with
217 respect to a person who is transferred to the custody of the
218 agency by another law enforcement agency if the transferring
219 agency performed that duty before the transfer.

220 (3) A judge who receives notice that a person is subject to
221 an immigration detainer shall cause the fact to be recorded in
222 the court record, regardless of whether the notice is received
223 before or after a judgment in the case.

224 908.205 Reimbursement of costs.—

225 (1) A board of county commissioners may adopt an ordinance
226 requiring a person detained pursuant to an immigration detainer
227 to reimburse the county for any expenses incurred in detaining
228 the person pursuant to the immigration detainer. A person
229 detained pursuant to an immigration detainer is not liable under
230 this section if a federal immigration agency determines that the
231 immigration detainer was improperly issued.

232 (2) A local governmental entity or law enforcement agency
233 shall enter into an agreement for payment for detaining aliens
234 and complying with federal requests when the costs are incurred
235 in support of the enforcement of federal immigration law.
236 Compliant agreements include any basic ordering agreements
237 between the U.S. Immigration and Customs Enforcement and state
238 and local law enforcement agencies in effect on July 1, 2019, or
239 similar agreements and other agreements authorized by federal
240 law.

241 908.302 Enforcement.—

242 (1) Upon adjudication by the court or as provided in a
243 consent decree declaring that a state entity, local governmental



941354

244 entity, or law enforcement agency has violated this chapter, the
245 court shall enjoin the unlawful sanctuary policy and may award
246 reasonable costs and attorney fees to the plaintiff.The court
247 has continuing jurisdiction over the parties and subject matter
248 and may enforce its orders with the initiation of contempt
249 proceedings as provided by law.

250 (2) An order approving a consent decree or granting an
251 injunction must include written findings of fact that describe
252 with specificity the existence and nature of the sanctuary
253 policy that is in violation of s. 908.201.

254 908.401 Education records.—This chapter does not apply to
255 the release of information contained in education records of an
256 educational agency or institution, except in conformity with the
257 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
258 1232g.

259 908.402 Discrimination prohibited.—A state entity, a local
260 governmental entity, or a law enforcement agency, or a person
261 employed by or otherwise under the direction or control of the
262 entity or agency, may not base its actions under this chapter on
263 the gender, race, religion, national origin, or physical
264 disability of a person except to the extent authorized by the
265 United States Constitution or the State Constitution.

266 Section 3. A sanctuary policy, as defined in s. 908.102,
267 Florida Statutes, as created by this act, that is in effect on
268 the effective date of this act violates the public policy of
269 this state and must be repealed within 90 days after that date.

270 Section 4. Section 908.302, Florida Statutes, as created by
271 this act, shall take effect October 1, 2019, and, except as
272 otherwise expressly provided in this act, this act shall take



941354

273 effect July 1, 2019.

274

275 ===== T I T L E A M E N D M E N T =====

276 And the title is amended as follows:

277 Delete everything before the enacting clause

278 and insert:

279 A bill to be entitled

280 An act relating to federal immigration enforcement;
281 providing a short title; creating chapter 908, F.S.,
282 relating to federal immigration enforcement; providing
283 legislative findings and intent; providing
284 definitions; prohibiting sanctuary policies; requiring
285 state entities, local governmental entities, and law
286 enforcement agencies to use best efforts to support
287 the enforcement of federal immigration law;
288 prohibiting restrictions by the entities and agencies
289 on taking certain actions with respect to information
290 regarding a person's immigration status; providing
291 requirements concerning certain criminal defendants
292 subject to immigration detainers or otherwise subject
293 to transfer to federal custody; authorizing a law
294 enforcement agency to transport an alien unlawfully
295 present in the United States under certain
296 circumstances; providing an exception to reporting
297 requirements for crime victims or witnesses; requiring
298 recordkeeping relating to crime victim and witness
299 cooperation in certain investigations; specifying
300 duties concerning certain arrested persons; specifying
301 duties concerning immigration detainers; requiring



941354

302 local government entities and law enforcement agencies
303 to enter agreements for payments for complying with
304 immigration detainers; providing for injunctive relief
305 and awards of costs and attorney fees to prevailing
306 plaintiffs; providing for applicability to certain
307 education records; prohibiting discrimination on
308 specified grounds; providing for implementation;
309 requiring repeal of existing sanctuary policies within
310 a specified period; providing effective dates.
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241924

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment to Substitute Amendment (941354)

Delete lines 31 - 44

and insert:

sufficient if there is a judicial warrant.



946098

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment to Substitute Amendment (941354)

Delete lines 61 - 77
and insert:
contravenes 8 U.S.C. s. 1373(a).



545528

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment to Substitute Amendment (941354)

Delete lines 109 - 120

and insert:

(d) Using the information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, an ordinance or regulation of a local governmental entity, or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(e) Using the information to comply with an immigration



545528

11 detainer.

12 (f) Using the information to confirm the identity of a



828552

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Substitute Amendment (941354) (with**
2 **title amendment)**

3
4 Delete lines 160 - 174
5 and insert:

6 (5) A state entity, local governmental entity, or law
7 enforcement agency implementing the Rule of Law Adherence Act
8 has an affirmative duty to inquire whether or not a person is a
9 victim of or a witness to a criminal offense, and if so, the
10 victim or the witness may not be subject to this act.



828552

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 296 - 299

and insert:

circumstances; providing that certain entities or
agencies have an affirmative duty to inquire whether
or not a person is a victim of or a witness to a
criminal offense, and if so, prohibiting them from
being subject to the act; specifying



384212

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the "Rule of Law Adherence Act."

Section 2. Chapter 908, Florida Statutes, consisting of sections 908.101-908.402, is created to read:

CHAPTER 908

FEDERAL IMMIGRATION ENFORCEMENT

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384212

11 PART I

12 FINDINGS AND INTENT AND DEFINITIONS

13 908.101 Legislative findings and intent.—The Legislature
14 finds that it is an important state interest that state entities
15 and their officials have an affirmative duty to all citizens and
16 other persons lawfully present in the United States to assist
17 the Federal Government in the enforcement of federal immigration
18 laws within this state, including their compliance with federal
19 immigration detainers. The Legislature further finds that it is
20 an important state interest that, in the interest of public
21 safety and adherence to federal law, this state support federal
22 immigration enforcement efforts and ensure that such efforts are
23 not impeded or thwarted by state laws, policies, practices,
24 procedures, or customs. State entities and their officials who
25 encourage persons unlawfully present in the United States to
26 locate within this state or who shield such persons from
27 personal responsibility for their unlawful actions breach this
28 duty and should be held accountable.

29 908.102 Definitions.—As used in this chapter, the term:

30 (1) "Federal immigration agency" means the United States
31 Department of Justice and the United States Department of
32 Homeland Security, a division within such an agency, including
33 United States Immigration and Customs Enforcement and United
34 States Customs and Border Protection, any successor agency, and
35 any other federal agency charged with the enforcement of
36 immigration law. The term includes an official or employee of
37 such an agency.

38 (2) "Immigration detainer" means a facially sufficient
39 written or electronic request issued by a federal immigration



384212

40 agency using that agency's official form to request that another
41 law enforcement agency detain a person based on probable cause
42 to believe that the person to be detained is a removable alien
43 under federal immigration law, including detainers issued
44 pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this
45 subsection, an immigration detainer is deemed facially
46 sufficient if:

47 (a) The federal immigration agency's official form is
48 complete and indicates on its face that the federal immigration
49 official has probable cause to believe that the person to be
50 detained is a removable alien under federal immigration law; or

51 (b) The federal immigration agency's official form is
52 incomplete and fails to indicate on its face that the federal
53 immigration official has probable cause to believe that the
54 person to be detained is a removable alien under federal
55 immigration law, but is supported by an affidavit, order, or
56 other official documentation that indicates that the federal
57 immigration agency has probable cause to believe that the person
58 to be detained is a removable alien under federal immigration
59 law.

60 (3) "Inmate" means a person in the custody of a law
61 enforcement agency.

62 (4) "Law enforcement agency" means an agency in this state
63 charged with enforcement of state or federal laws or with
64 managing custody of detained persons in the state and includes
65 state police departments and the Department of Corrections. The
66 term includes an official or employee of such an agency.

67 (5) "Sanctuary policy" means a law, policy, practice,
68 procedure, or custom adopted or permitted by a state entity or



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69 law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or
70 (b) or which knowingly prohibits or impedes a law enforcement
71 agency from communicating or cooperating with a federal
72 immigration agency with respect to federal immigration
73 enforcement, including, but not limited to, limiting a state
74 entity or law enforcement agency in, or prohibiting such an
75 entity or agency from:

76 (a) Complying with an immigration detainer;

77 (b) Complying with a request from a federal immigration
78 agency to notify the agency before the release of an inmate or
79 detainee in the custody of the state entity or law enforcement
80 agency;

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

83 (d) Initiating an immigration status investigation; or

84 (e) Providing a federal immigration agency with an inmate's
85 incarceration status or release date.

86 (6) "Sanctuary policymaker" means a state official who has
87 voted for, allowed to be implemented, or voted against repeal or
88 prohibition of a sanctuary policy.

89 (7) "State entity" means the state or any office, board,
90 bureau, commission, department, branch, division, or institution
91 thereof. The term includes a person holding public office or
92 having official duties as a representative, agent, or employee
93 of such entity.

94 PART II

95 DUTIES

96 908.201 Sanctuary policies prohibited.—A state entity or
97 law enforcement agency may not adopt or have in effect a



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98 sanctuary policy.

99 908.202 Cooperation with federal immigration authorities.—

100 (1) A state entity or law enforcement agency shall fully
101 comply with and, to the full extent permitted by law, support
102 the enforcement of federal immigration law. This subsection
103 applies to an official, representative, agent, or employee of
104 such entity or agency only when he or she is acting within the
105 scope of his or her official duties or within the scope of his
106 or her employment.

107 (2) Except as otherwise expressly prohibited by federal
108 law, a state entity or law enforcement agency may not prohibit
109 or in any way restrict another state entity or law enforcement
110 agency from taking any of the following actions with respect to
111 information regarding a person's immigration status:

112 (a) Sending such information to or requesting, receiving,
113 or reviewing such information from a federal immigration agency
114 for purposes of this chapter.

115 (b) Recording and maintaining such information for purposes
116 of this chapter.

117 (c) Exchanging such information with a federal immigration
118 agency or another state entity or law enforcement agency for
119 purposes of this chapter.

120 (d) Using such information to determine eligibility for a
121 public benefit, service, or license pursuant to federal or state
122 law.

123 (e) Using such information to verify a claim of residence
124 or domicile if a determination of residence or domicile is
125 required under federal or state law or a judicial order issued
126 pursuant to a civil or criminal proceeding in this state.



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127 (f) Using such information to comply with an immigration
128 detainer.

129 (g) Using such information to confirm the identity of a
130 person who is detained by a law enforcement agency.

131 (3) (a) For purposes of this subsection the term "applicable
132 criminal case" means a criminal case in which:

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

135 2. The judge:

136 a. Indicates in the record under s. 908.204 that the
137 defendant is subject to an immigration detainer; or

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

140 (b) In an applicable criminal case, at the time of
141 pronouncement of a sentence of confinement, the judge shall
142 issue an order requiring the secure correctional facility in
143 which the defendant is to be confined to reduce the defendant's
144 sentence by a period of not more than 7 days on the facility's
145 determination that the reduction in sentence will facilitate the
146 seamless transfer of the defendant into federal custody. For
147 purposes of this paragraph, the term "secure correctional
148 facility" means a state correctional institution as defined in
149 s. 944.02.

150 (c) If the information specified in sub-subparagraph
151 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
152 the sentence is pronounced in the case, the judge shall issue
153 the order described by paragraph (b) as soon as the information
154 becomes available.

155 (4) Notwithstanding any other provision of law, if a law



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156 enforcement agency has received verification from a federal
157 immigration agency that an alien in the law enforcement agency's
158 custody is unlawfully present in the United States, the law
159 enforcement agency may securely transport such alien to a
160 federal facility in this state or to another point of transfer
161 to federal custody outside the jurisdiction of the law
162 enforcement agency. A law enforcement agency shall obtain
163 judicial authorization before securely transporting such alien
164 to a point of transfer outside of this state.

165 (5) This section does not require a state entity or law
166 enforcement agency to provide a federal immigration agency with
167 information related to a victim of or a witness to a criminal
168 offense if such victim or witness timely and in good faith
169 responds to the entity's or agency's request for information and
170 cooperation in the investigation or prosecution of such offense.

171 (6) A state entity or law enforcement agency that, pursuant
172 to subsection (5), withholds information regarding the
173 immigration information of a victim of or witness to a criminal
174 offense shall document such victim's or witness's cooperation in
175 the entity's or agency's investigative records related to the
176 offense and shall retain such records for at least 10 years for
177 the purpose of audit, verification, or inspection by the Auditor
178 General.

179 908.203 Duties related to certain arrested persons.-

180 (1) If a person is arrested and is unable to provide proof
181 of his or her lawful presence in the United States, not later
182 than 48 hours after the person is arrested, and before the
183 person is released on bond, a law enforcement agency performing
184 the booking process:



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185 (a) Shall review any information available from a federal
186 immigration agency.

187 (b) If information obtained under paragraph (a) reveals
188 that the person is not a citizen of the United States and is
189 unlawfully present in the United States according to the terms
190 of the federal Immigration and Nationality Act, 8 U.S.C. ss.
191 1101 et seq., must:

192 1. Provide immediate notice of the person's arrest and
193 charges to a federal immigration agency.

194 2. Provide notice of that fact to the judge authorized to
195 grant or deny the person's release on bail under chapter 903.

196 3. Record the person's arrest and charges in the person's
197 case file.

198 (2) A law enforcement agency is not required to perform the
199 duty imposed by subsection (1) with respect to a person who is
200 transferred to the custody of the agency by another law
201 enforcement agency if the transferring agency performed that
202 duty before the transfer.

203 (3) A judge who receives notice of a person's immigration
204 status under this section shall ensure that such status is
205 recorded in the court record.

206 908.204 Duties related to immigration detainers.—

207 (1) A law enforcement agency that has custody of a person
208 subject to an immigration detainer issued by a federal
209 immigration agency shall:

210 (a) Provide to the judge authorized to grant or deny the
211 person's release on bail under chapter 903 notice that the
212 person is subject to an immigration detainer.

213 (b) Record in the person's case file that the person is



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214 subject to an immigration detainer.

215 (c) Comply with, honor, and fulfill the requests made in
216 the immigration detainer.

217 (2) A law enforcement agency is not required to perform a
218 duty imposed by paragraph (1)(a) or paragraph (1)(b) with
219 respect to a person who is transferred to the custody of the
220 agency by another law enforcement agency if the transferring
221 agency performed that duty before the transfer.

222 (3) A judge who receives notice that a person is subject to
223 an immigration detainer shall ensure that such fact is recorded
224 in the court record, regardless of whether the notice is
225 received before or after a judgment in the case.

226 908.205 Reimbursement of costs.—A state entity or law
227 enforcement agency may petition the Federal Government for
228 reimbursement of the entity's or agency's detention costs and
229 the costs of compliance with federal requests when such costs
230 are incurred in support of the enforcement of federal
231 immigration law.

232 908.206 Duty to report.—

233 (1) An official, representative, agent, or employee of a
234 state entity or law enforcement agency shall promptly report a
235 known or probable violation of this chapter to the Attorney
236 General or the state attorney having jurisdiction over the
237 entity or agency.

238 (2) An official, representative, agent, or employee of a
239 state entity or law enforcement agency who willfully and
240 knowingly fails to report a known or probable violation of this
241 chapter may be suspended or removed from office pursuant to
242 general law and s. 7, Art. IV of the State Constitution.



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243 (3) A state entity or law enforcement agency may not
244 dismiss, discipline, take any adverse personnel action as
245 defined in s. 112.3187(3) against, or take any adverse action
246 described in s. 112.3187(4)(b) against, an official,
247 representative, agent, or employee for complying with subsection
248 (1).

249 (4) Section 112.3187 of the Whistle-blower's Act applies to
250 an official, representative, agent, or employee of a state
251 entity or law enforcement agency who is dismissed, disciplined,
252 subject to any adverse personnel action as defined in s.
253 112.3187(3) or any adverse action described in s.
254 112.3187(4)(b), or denied employment because he or she complied
255 with subsection (1).

256 908.207 Implementation.—This chapter shall be implemented
257 to the fullest extent permitted by federal law regulating
258 immigration and the legislative findings and intent declared in
259 s. 908.101.

260 PART III

261 ENFORCEMENT

262 908.301 Complaints.—The Attorney General shall prescribe
263 and provide through the Department of Legal Affairs' website the
264 format for a person to submit a complaint alleging a violation
265 of this chapter. This section does not prohibit the filing of an
266 anonymous complaint or a complaint not submitted in the
267 prescribed format. Any person has standing to submit a complaint
268 under this chapter.

269 908.302 Enforcement; penalties.—

270 (1) The state attorney for the county in which a state
271 entity is headquartered or a law enforcement agency is located



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272 has primary responsibility and authority for investigating
273 credible complaints of a violation of this chapter. The results
274 of an investigation by a state attorney shall be provided to the
275 Attorney General in a timely manner.

276 (2) (a) A state entity or law enforcement agency about which
277 the state attorney has received a complaint shall comply with a
278 document request from the state attorney related to the
279 complaint.

280 (b) If the state attorney determines that a complaint filed
281 against a state entity or law enforcement agency is valid, the
282 state attorney shall, not later than the 10th day after the date
283 of the determination, provide written notification to the entity
284 or agency that:

285 1. The complaint has been filed.

286 2. The state attorney has determined that the complaint is
287 valid.

288 3. The state attorney is authorized to file an action to
289 enjoin the violation if the entity or agency does not come into
290 compliance with the requirements of this chapter on or before
291 the 60th day after the notification is provided.

292 (c) Not later than the 30th day after the day a state
293 entity or law enforcement agency receives written notification
294 under paragraph (b), the entity or the agency shall provide the
295 state attorney with a copy of:

296 1. The entity's or agency's written policies and procedures
297 with respect to federal immigration agency enforcement actions,
298 including the entity's or agency's policies and procedures with
299 respect to immigration detainers.

300 2. Each immigration detainer received by the entity or



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301 agency from a federal immigration agency in the current calendar
302 year-to-date and the 2 prior calendar years.

303 3. Each response sent by the entity or agency for an
304 immigration detainer described by subparagraph 2.

305 (3) The Attorney General, the state attorney who conducted
306 the investigation, or a state attorney so ordered by the
307 Governor pursuant to s. 27.14 may institute proceedings in
308 circuit court to enjoin a state entity or law enforcement agency
309 found to be in violation of this chapter. Venue of an action
310 brought by the Attorney General may be in Leon County. The court
311 shall expedite an action under this section, including setting a
312 hearing at the earliest practicable date.

313 (4) Upon adjudication by the court or as provided in a
314 consent decree declaring that a state entity or law enforcement
315 agency has violated this chapter, the court shall enjoin the
316 unlawful sanctuary policy and order that such entity or agency
317 pay a civil penalty to the state of at least \$1,000 but not more
318 than \$5,000 for each day that the sanctuary policy was in effect
319 commencing on October 1, 2019, or the date the sanctuary policy
320 was first enacted, whichever is later, until the date the
321 injunction was granted. The court has continuing jurisdiction
322 over the parties and subject matter and may enforce its orders
323 with the imposition of additional civil penalties as provided
324 for in this section and the initiation of contempt proceedings
325 as provided by law.

326 (5) An order approving a consent decree or granting an
327 injunction or imposing civil penalties pursuant to subsection
328 (4) must include written findings of fact that describe with
329 specificity the existence and nature of the sanctuary policy



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330 that is in violation of s. 908.201 and identify each sanctuary
331 policymaker who voted for, allowed to be implemented, or voted
332 against repeal or prohibition of the sanctuary policy. The court
333 shall provide to the Governor a copy of the consent decree or
334 order granting an injunction or imposing civil penalties which
335 contains the written findings required by this subsection within
336 30 days after the date of rendition. A sanctuary policymaker
337 identified in an order approving a consent decree or granting an
338 injunction or imposing civil penalties may be suspended or
339 removed from office pursuant to general law and s. 7, Art. IV of
340 the State Constitution.

341 (6) A state entity or law enforcement agency ordered to pay
342 a civil penalty pursuant to subsection (4) shall remit such
343 payment to the Chief Financial Officer, who shall deposit it
344 into the General Revenue Fund.

345 (7) Except as required by law, public funds may not be used
346 to defend or reimburse a sanctuary policymaker or an official,
347 representative, agent, or employee of a state entity or law
348 enforcement agency who knowingly and willfully violates this
349 chapter.

350 908.303 Civil cause of action for personal injury or
351 wrongful death attributed to a sanctuary policy; trial by jury;
352 required written findings.-

353 (1) A person injured in this state by the tortious acts or
354 omissions of an alien unlawfully present in the United States,
355 or the personal representative of a person killed in this state
356 by the tortious acts or omissions of an alien unlawfully present
357 in the United States, has a cause of action for damages against
358 a state entity or law enforcement agency in violation of ss.



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359 908.201 and 908.202 upon proof by the greater weight of the
360 evidence of:
361 (a) The existence of a sanctuary policy in violation of s.
362 908.201; and
363 (b)1. A failure to comply with s. 908.202 which results in
364 such alien's having access to the person injured or killed when
365 the tortious acts or omissions occurred; or
366 2. A failure to comply with s. 908.204(1)(c) which results
367 in such alien's having access to the person injured or killed
368 when the tortious acts or omissions occurred.
369 (2) A cause of action brought pursuant to subsection (1)
370 may not be brought against a person who holds public office or
371 who has official duties as a representative, agent, or employee
372 of a state entity or law enforcement agency, including a
373 sanctuary policymaker.
374 (3) Trial by jury is a matter of right in an action brought
375 under this section.
376 (4) A final judgment entered in favor of a plaintiff in a
377 cause of action brought pursuant to this section must include
378 written findings of fact that describe with specificity the
379 existence and nature of the sanctuary policy that is in
380 violation of s. 908.201 and that identify each sanctuary
381 policymaker who voted for, allowed to be implemented, or voted
382 against repeal or prohibition of the sanctuary policy. The court
383 shall provide a copy of the final judgment containing the
384 written findings required by this subsection to the Governor
385 within 30 days after the date of rendition. A sanctuary
386 policymaker identified in a final judgment may be suspended or
387 removed from office pursuant to general law and s. 7, Art. IV of



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388 the State Constitution.

389 (5) Except as provided in this section, this chapter does
390 not create a private cause of action against a state entity or
391 law enforcement agency that complies with this chapter.

392 908.304 Ineligibility for state grant funding.-

393 (1) Notwithstanding any other provision of law, a state
394 entity or law enforcement agency is ineligible to receive
395 funding from nonfederal grant programs administered by state
396 agencies that receive funding from the General Appropriations
397 Act for a period of 5 years after the date of adjudication that
398 such state entity or law enforcement agency had in effect a
399 sanctuary policy in violation of this chapter.

400 (2) The applicable state attorney shall notify the Chief
401 Financial Officer of an adjudicated violation of this chapter by
402 a state entity or law enforcement agency and shall provide him
403 or her a copy of the final court injunction, order, or judgment.
404 Upon receiving such notice, the Chief Financial Officer shall
405 timely inform all state agencies that administer nonfederal
406 grant funding of the adjudicated violation by the state entity
407 or law enforcement agency and direct such agencies to cancel all
408 pending grant applications and enforce the ineligibility of such
409 entity for the prescribed period.

410 (3) This subsection does not apply to:

411 (a) Funding that is received as a result of an
412 appropriation to a specifically named state entity or law
413 enforcement agency in the General Appropriations Act or other
414 law.

415 (b) Grants awarded prior to the date of adjudication that
416 such state entity or law enforcement agency had in effect a



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417 sanctuary policy in violation of this chapter.

418 PART IV

419 MISCELLANEOUS

420 908.401 Education records.—This chapter does not apply to
421 the release of information contained in education records of an
422 educational agency or institution, except in conformity with the
423 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
424 1232g.

425 908.402 Discrimination prohibited.—A state entity or a law
426 enforcement agency, or a person employed by or otherwise under
427 the direction or control of such an entity or agency, may not
428 base its actions under this chapter on the gender, race,
429 religion, national origin, or physical disability of a person
430 except to the extent authorized by the United States
431 Constitution or the State Constitution.

432 Section 3. A sanctuary policy, as defined in s. 908.102,
433 Florida Statutes, as created by this act, that is in effect on
434 the effective date of this act must be repealed within 90 days
435 after that date.

436 Section 4. Sections 908.302 and 908.303, Florida Statutes,
437 as created by this act, shall take effect October 1, 2019, and,
438 except as otherwise expressly provided in this act, this act
439 shall take effect July 1, 2019.

441 ===== T I T L E A M E N D M E N T =====

442 And the title is amended as follows:

443 Delete everything before the enacting clause
444 and insert:

445 A bill to be entitled



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446 An act relating to federal immigration enforcement;
447 providing a short title; creating chapter 908, F.S.,
448 relating to federal immigration enforcement; providing
449 legislative findings and intent; providing
450 definitions; prohibiting sanctuary policies; requiring
451 state entities and law enforcement agencies to comply
452 with and support the enforcement of federal
453 immigration law; prohibiting restrictions by such
454 entities and agencies on taking certain actions with
455 respect to information regarding a person's
456 immigration status; providing requirements concerning
457 certain criminal defendants subject to immigration
458 detainers or otherwise subject to transfer to federal
459 custody; authorizing a law enforcement agency to
460 transport an alien unlawfully present in the United
461 States under certain circumstances; providing an
462 exception to reporting requirements for crime victims
463 or witnesses; requiring recordkeeping relating to
464 crime victim and witness cooperation in certain
465 investigations; specifying duties concerning certain
466 arrested persons; specifying duties concerning
467 immigration detainers; authorizing state entities or
468 law enforcement agencies to petition the Federal
469 Government for reimbursement of certain costs;
470 requiring reports of violations; providing penalties
471 for failure to report violations; providing whistle-
472 blower protections for persons who report violations;
473 requiring the Attorney General to prescribe and
474 provide the format for submitting complaints;



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475 providing requirements for entities to comply with
476 document requests from state attorneys concerning
477 violations; providing for investigation of possible
478 violations; providing for injunctive relief and civil
479 penalties; providing for venue; requiring written
480 findings; prohibiting the expenditure of public funds
481 for specified purposes; providing a civil cause of
482 action for personal injury or wrongful death
483 attributed to a sanctuary policy; providing that a
484 trial by jury is a matter of right; requiring written
485 findings; providing for ineligibility to receive
486 certain funding for a specified period of time;
487 providing for applicability to certain education
488 records; prohibiting discrimination on specified
489 grounds; providing for implementation; requiring
490 repeal of existing sanctuary policies within a
491 specified period; providing effective dates.



170934

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment

Delete lines 116 - 147

and insert:

state police departments, and the Department of Corrections. The term includes an official or employee of such an agency.

However, the term excludes state university and college police departments, school resource officers, and participants of school guardian programs.

(5) "Local governmental entity" means any county,



170934

11 municipality, or other political subdivision of this state. The
12 term includes a person holding public office or having official
13 duties as a representative, an agent, or an employee of the
14 entity.

15 (6) "Sanctuary policy" means a law, policy, practice,
16 procedure, or custom adopted by or permitted by a state entity,
17 local governmental entity, or law enforcement agency which
18 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
19 prohibits or impedes a law enforcement agency from communicating
20 or cooperating with a federal immigration agency with respect to
21 federal immigration enforcement, including, but not limited to,
22 limiting a state entity, local governmental entity, or law
23 enforcement agency in, or prohibiting such an entity or agency
24 from:

25 (a) Complying with an immigration detainer;

26 (b) Complying with a request from a federal immigration
27 agency to notify the agency before the release of an inmate or
28 detainee in the custody of the state entity, local governmental
29 entity, or law enforcement agency;

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

32 (d) Initiating an immigration status investigation; or

33 (e) Providing a federal immigration agency with an inmate's
34 incarceration status or release date.

35 (7) "State entity" means the state or any office, board,
36 bureau, commission, department, branch, division, or institution
37 thereof. The term includes a person holding public office or
38 having official duties as a representative, an agent, or an
39 employee of the entity. However, the term excludes the State



170934

40 University System, the Florida College System, the Department of
41 Education, and the Department of Children and Families.



538004

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment

Delete lines 126 - 142
and insert:
contravenes 8 U.S.C. s. 1373(a).



803882

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 160 - 237

and insert:

(1) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency may not prohibit or in any way restrict another state entity, local governmental entity, or law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:



803882

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

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

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

19 (d) Using the information to determine eligibility for a
20 public benefit, service, or license pursuant to federal or state
21 law or an ordinance or regulation of a local governmental
22 entity.

23 (e) Using the information to verify a claim of residence or
24 domicile if a determination of residence or domicile is required
25 under federal or state law, an ordinance or regulation of a
26 local governmental entity, or a judicial order issued pursuant
27 to a civil or criminal proceeding in this state.

28 (f) Using the information to comply with an immigration
29 detainer.

30 (g) Using the information to confirm the identity of a
31 person who is detained by a law enforcement agency.

32 (2)(a) For purposes of this subsection the term "applicable
33 criminal case" means a criminal case in which:

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

36 2. The judge:

37 a. Indicates in the record under s. 908.204 that the
38 defendant is subject to an immigration detainer; or

39 b. Otherwise indicates in the record that the defendant is



803882

40 subject to a transfer into federal custody.

41 (b) In an applicable criminal case, at the time of
42 pronouncement of a sentence of confinement, the judge shall
43 issue an order requiring the secure correctional facility in
44 which the defendant is to be confined to reduce the defendant's
45 sentence by a period of not more than 7 days on the facility's
46 determination that the reduction in sentence will facilitate the
47 seamless transfer of the defendant into federal custody. For
48 purposes of this paragraph, the term "secure correctional
49 facility" means a state correctional institution as defined in
50 s. 944.02 or a county detention facility or a municipal
51 detention facility as defined in s. 951.23.

52 (c) If the information specified in sub-subparagraph
53 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
54 the sentence is pronounced in the case, the judge shall issue
55 the order described by paragraph (b) as soon as the information
56 becomes available.

57 (3) When a law enforcement agency receives verification
58 from a federal immigration agency that an alien in the law
59 enforcement agency's custody is unlawfully present in the United
60 States, the agency may securely transport the alien to a federal
61 facility in this state or to another point of transfer to
62 federal custody outside the jurisdiction of the law enforcement
63 agency. However, the law enforcement agency may transport an
64 alien who is confined in a secure correctional facility only
65 upon authorization by a court order unless the transportation
66 will occur within the 7 day period under subsection (2). A law
67 enforcement agency shall obtain judicial authorization before
68 securely transporting an alien to a point of transfer outside of



803882

69 this state.

70 (4) This section does not require a state entity, local
71 governmental entity, or law enforcement agency to provide a
72 federal immigration agency with information related to a victim
73 of or a witness to a criminal offense if the victim or witness
74 timely and in good faith responds to the entity's or agency's
75 request for information and cooperation in the investigation or
76 prosecution of the offense.

77 (5) A state entity, local governmental entity, or law
78 enforcement agency that, pursuant to subsection (4), withholds

79
80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete lines 6 - 10

83 and insert:

84 definitions; prohibiting certain restrictions by state
85 entities, local governmental entities, and law
86 enforcement agencies on taking



643696

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment

Delete lines 181 - 192

and insert:

(d) Using the information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law, an ordinance or regulation of a local governmental entity, or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(e) Using the information to comply with an immigration



643696

11 detainer.

12 (f) Using the information to confirm the identity of a



722046

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 229 - 243

and insert:

(5) A state entity, local governmental entity, or law enforcement agency implementing the Rule of Law Adherence Act has an affirmative duty to inquire as to whether a person is a victim of or a witness to a criminal offense, and if so, the victim or the witness may not be subject to this act.



722046

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete lines 18 - 21

14 and insert:

15 that certain entities or agencies have an affirmative
16 duty to inquire as to whether a person is a victim of
17 or a witness to a criminal offense, and if so,
18 prohibiting such a person from being subject to the
19 act; specifying duties concerning certain



797868

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 244 - 270.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 21 - 23

and insert:

investigations; authorizing a board of county



748300

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Gruters) recommended the following:

Senate Amendment

In title, delete line 39
and insert:
findings; providing for suspension or removal from
office of a sanctuary policymaker; prohibiting the
expenditure of public funds

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to federal immigration enforcement;
 3 providing a short title; creating chapter 908, F.S.,
 4 relating to federal immigration enforcement; providing
 5 legislative findings and intent; providing
 6 definitions; prohibiting sanctuary policies; requiring
 7 state entities, local governmental entities, and law
 8 enforcement agencies to comply with and support the
 9 enforcement of federal immigration law; prohibiting
 10 restrictions by such entities and agencies on taking
 11 certain actions with respect to information regarding
 12 a person's immigration status; providing requirements
 13 concerning certain criminal defendants subject to
 14 immigration detainers or otherwise subject to transfer
 15 to federal custody; authorizing a law enforcement
 16 agency to transport an alien unlawfully present in the
 17 United States under certain circumstances; providing
 18 an exception to reporting requirements for crime
 19 victims or witnesses; requiring recordkeeping relating
 20 to crime victim and witness cooperation in certain
 21 investigations; specifying duties concerning certain
 22 arrested persons; specifying duties concerning
 23 immigration detainers; authorizing a board of county
 24 commissioners to adopt an ordinance to recover costs
 25 for complying with an immigration detainer;
 26 authorizing local governmental entities and law
 27 enforcement agencies to petition the Federal
 28 Government for reimbursement of certain costs;
 29 requiring reports of violations; providing penalties

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30 for failure to report violations; providing whistle-
 31 blower protections for persons who report violations;
 32 requiring the Attorney General to prescribe and
 33 provide the format for submitting complaints;
 34 providing requirements for entities to comply with
 35 document requests from state attorneys concerning
 36 violations; providing for investigation of possible
 37 violations; providing for injunctive relief and civil
 38 penalties; providing for venue; requiring written
 39 findings; prohibiting the expenditure of public funds
 40 for specified purposes; providing a civil cause of
 41 action for personal injury or wrongful death
 42 attributed to a sanctuary policy; providing that a
 43 trial by jury is a matter of right; requiring written
 44 findings; providing for ineligibility to receive
 45 certain funding for a specified period of time;
 46 providing for applicability to certain education
 47 records; prohibiting discrimination on specified
 48 grounds; providing for implementation; requiring
 49 repeal of existing sanctuary policies within a
 50 specified period; providing effective dates.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Short title.—This act may be cited as the "Rule
 55 of Law Adherence Act."

56 Section 2. Chapter 908, Florida Statutes, consisting of
 57 sections 908.101-908.402, is created to read:

58 CHAPTER 908

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FEDERAL IMMIGRATION ENFORCEMENTPART IFINDINGS AND INTENT AND DEFINITIONS

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest that state and local governmental entities and their officials have an affirmative duty to all citizens and other persons lawfully present in the United States to assist the Federal Government in the enforcement of federal immigration laws within this state, including their compliance with federal immigration detainers. The Legislature further finds that it is an important state interest that, in the interest of public safety and adherence to federal law, this state support federal immigration enforcement efforts and ensure that such efforts are not impeded or thwarted by state or local laws, policies, practices, procedures, or customs. State and local governmental entities and their officials who encourage persons unlawfully present in the United States to locate within this state or who shield such persons from personal responsibility for their unlawful actions breach this duty and should be held accountable.

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

(1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law. The term includes an official or employee of such an agency.

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(2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this subsection, an immigration detainer is deemed facially sufficient if:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in the state and includes municipal police departments, sheriff's offices, state police departments, state university and college police

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117 departments, and the Department of Corrections. The term
 118 includes an official or employee of such an agency.

119 (5) "Local governmental entity" means any county,
 120 municipality, or other political subdivision of this state. The
 121 term includes a person holding public office or having official
 122 duties as a representative, agent, or employee of such entity.

123 (6) "Sanctuary policy" means a law, policy, practice,
 124 procedure, or custom adopted or permitted by a state entity,
 125 local governmental entity, or law enforcement agency which
 126 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
 127 prohibits or impedes a law enforcement agency from communicating
 128 or cooperating with a federal immigration agency with respect to
 129 federal immigration enforcement, including, but not limited to,
 130 limiting a state entity, local governmental entity, or law
 131 enforcement agency in, or prohibiting such an entity or agency
 132 from:

133 (a) Complying with an immigration detainer;

134 (b) Complying with a request from a federal immigration
 135 agency to notify the agency before the release of an inmate or
 136 detainee in the custody of the state entity, local governmental
 137 entity, or law enforcement agency;

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

140 (d) Initiating an immigration status investigation; or

141 (e) Providing a federal immigration agency with an inmate's
 142 incarceration status or release date.

143 (7) "Sanctuary policymaker" means a state or local elected
 144 official, or an appointed official of the governing body of a
 145 local governmental entity, who has voted for, allowed to be

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146 implemented, or voted against repeal or prohibition of a
 147 sanctuary policy.

148 (8) "State entity" means the state or any office, board,
 149 bureau, commission, department, branch, division, or institution
 150 thereof, including institutions within the State University
 151 System and the Florida College System. The term includes a
 152 person holding public office or having official duties as a
 153 representative, agent, or employee of such entity.

PART II

DUTIES

154
 155
 156 908.201 Sanctuary policies prohibited.—A state entity, law
 157 enforcement agency, or local governmental entity may not adopt
 158 or have in effect a sanctuary policy.

159 908.202 Cooperation with federal immigration authorities.—

160 (1) A state entity, local governmental entity, or law
 161 enforcement agency shall fully comply with and, to the full
 162 extent permitted by law, support the enforcement of federal
 163 immigration law. This subsection applies to an official,
 164 representative, agent, or employee of such entity or agency only
 165 when he or she is acting within the scope of his or her official
 166 duties or within the scope of his or her employment.

167 (2) Except as otherwise expressly prohibited by federal
 168 law, a state entity, local governmental entity, or law
 169 enforcement agency may not prohibit or in any way restrict
 170 another state entity, local governmental entity, or law
 171 enforcement agency from taking any of the following actions with
 172 respect to information regarding a person's immigration status:

173 (a) Sending such information to or requesting, receiving,
 174 or reviewing such information from a federal immigration agency

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175 for purposes of this chapter.

176 (b) Recording and maintaining such information for purposes
177 of this chapter.

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

181 (d) Using such information to determine eligibility for a
182 public benefit, service, or license pursuant to federal or state
183 law or an ordinance or regulation of a local governmental
184 entity.

185 (e) Using such information to verify a claim of residence
186 or domicile if a determination of residence or domicile is
187 required under federal or state law, an ordinance or regulation
188 of a local governmental entity, or a judicial order issued
189 pursuant to a civil or criminal proceeding in this state.

190 (f) Using such information to comply with an immigration
191 detainer.

192 (g) Using such information to confirm the identity of a
193 person who is detained by a law enforcement agency.

194 (3) (a) For purposes of this subsection the term "applicable
195 criminal case" means a criminal case in which:

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

198 2. The judge:

199 a. Indicates in the record under s. 908.204 that the
200 defendant is subject to an immigration detainer; or

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

203 (b) In an applicable criminal case, at the time of

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204 pronouncement of a sentence of confinement, the judge shall
205 issue an order requiring the secure correctional facility in
206 which the defendant is to be confined to reduce the defendant's
207 sentence by a period of not more than 7 days on the facility's
208 determination that the reduction in sentence will facilitate the
209 seamless transfer of the defendant into federal custody. For
210 purposes of this paragraph, the term "secure correctional
211 facility" means a state correctional institution as defined in
212 s. 944.02 or a county detention facility or a municipal
213 detention facility as defined in s. 951.23.

214 (c) If the information specified in sub-subparagraph
215 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
216 the sentence is pronounced in the case, the judge shall issue
217 the order described by paragraph (b) as soon as the information
218 becomes available.

219 (4) Notwithstanding any other provision of law, if a law
220 enforcement agency has received verification from a federal
221 immigration agency that an alien in the law enforcement agency's
222 custody is unlawfully present in the United States, the law
223 enforcement agency may securely transport such alien to a
224 federal facility in this state or to another point of transfer
225 to federal custody outside the jurisdiction of the law
226 enforcement agency. A law enforcement agency shall obtain
227 judicial authorization before securely transporting such alien
228 to a point of transfer outside of this state.

229 (5) This section does not require a state entity, local
230 governmental entity, or law enforcement agency to provide a
231 federal immigration agency with information related to a victim
232 of or a witness to a criminal offense if such victim or witness

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233 timely and in good faith responds to the entity's or agency's
 234 request for information and cooperation in the investigation or
 235 prosecution of such offense.

236 (6) A state entity, local governmental entity, or law
 237 enforcement agency that, pursuant to subsection (5), withholds
 238 information regarding the immigration information of a victim of
 239 or witness to a criminal offense shall document such victim's or
 240 witness's cooperation in the entity's or agency's investigative
 241 records related to the offense and shall retain such records for
 242 at least 10 years for the purpose of audit, verification, or
 243 inspection by the Auditor General.

244 908.203 Duties related to certain arrested persons.-
 245 (1) If a person is arrested and is unable to provide proof
 246 of his or her lawful presence in the United States, not later
 247 than 48 hours after the person is arrested, and before the
 248 person is released on bond, a law enforcement agency performing
 249 the booking process:

250 (a) Shall review any information available from a federal
 251 immigration agency.

252 (b) If information obtained under paragraph (a) reveals
 253 that the person is not a citizen of the United States and is
 254 unlawfully present in the United States according to the terms
 255 of the federal Immigration and Nationality Act, 8 U.S.C. ss.
 256 1101 et seq., must:

257 1. Provide immediate notice of the person's arrest and
 258 charges to a federal immigration agency.

259 2. Provide notice of that fact to the judge authorized to
 260 grant or deny the person's release on bail under chapter 903.

261 3. Record the person's arrest and charges in the person's

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262 case file.

263 (2) A law enforcement agency is not required to perform the
 264 duty imposed by subsection (1) with respect to a person who is
 265 transferred to the custody of the agency by another law
 266 enforcement agency if the transferring agency performed that
 267 duty before the transfer.

268 (3) A judge who receives notice of a person's immigration
 269 status under this section shall ensure that such status is
 270 recorded in the court record.

271 908.204 Duties related to immigration detainers.-
 272 (1) A law enforcement agency that has custody of a person
 273 subject to an immigration detainer issued by a federal
 274 immigration agency shall:

275 (a) Provide to the judge authorized to grant or deny the
 276 person's release on bail under chapter 903 notice that the
 277 person is subject to an immigration detainer.

278 (b) Record in the person's case file that the person is
 279 subject to an immigration detainer.

280 (c) Comply with, honor, and fulfill the requests made in
 281 the immigration detainer.

282 (2) A law enforcement agency is not required to perform a
 283 duty imposed by paragraph (1) (a) or paragraph (1) (b) with
 284 respect to a person who is transferred to the custody of the
 285 agency by another law enforcement agency if the transferring
 286 agency performed that duty before the transfer.

287 (3) A judge who receives notice that a person is subject to
 288 an immigration detainer shall ensure that such fact is recorded
 289 in the court record, regardless of whether the notice is
 290 received before or after a judgment in the case.

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291 908.205 Reimbursement of costs.-

292 (1) A board of county commissioners may adopt an ordinance
 293 requiring a person detained pursuant to an immigration detainer
 294 to reimburse the county for any expenses incurred in detaining
 295 the person pursuant to the immigration detainer. A person
 296 detained pursuant to an immigration detainer is not liable under
 297 this section if a federal immigration agency determines that the
 298 immigration detainer was improperly issued.

299 (2) A local governmental entity or law enforcement agency
 300 may petition the Federal Government for reimbursement of the
 301 entity's or agency's detention costs and the costs of compliance
 302 with federal requests when such costs are incurred in support of
 303 the enforcement of federal immigration law.

304 908.206 Duty to report.-

305 (1) An official, representative, agent, or employee of a
 306 state entity, local governmental entity, or law enforcement
 307 agency shall promptly report a known or probable violation of
 308 this chapter to the Attorney General or the state attorney
 309 having jurisdiction over the entity or agency.

310 (2) An official, representative, agent, or employee of a
 311 state entity, local governmental entity, or law enforcement
 312 agency who willfully and knowingly fails to report a known or
 313 probable violation of this chapter may be suspended or removed
 314 from office pursuant to general law and s. 7, Art. IV of the
 315 State Constitution.

316 (3) A state entity, local governmental entity, or law
 317 enforcement agency may not dismiss, discipline, take any adverse
 318 personnel action as defined in s. 112.3187(3) against, or take
 319 any adverse action described in s. 112.3187(4) (b) against, an

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320 official, representative, agent, or employee for complying with
 321 subsection (1).

322 (4) Section 112.3187 of the Whistle-blower's Act applies to
 323 an official, representative, agent, or employee of a state
 324 entity, local governmental entity, or law enforcement agency who
 325 is dismissed, disciplined, subject to any adverse personnel
 326 action as defined in s. 112.3187(3) or any adverse action
 327 described in s. 112.3187(4) (b), or denied employment because he
 328 or she complied with subsection (1).

329 908.207 Implementation.-This chapter shall be implemented
 330 to the fullest extent permitted by federal law regulating
 331 immigration and the legislative findings and intent declared in
 332 s. 908.101.

PART III

ENFORCEMENT

335 908.301 Complaints.-The Attorney General shall prescribe
 336 and provide through the Department of Legal Affairs' website the
 337 format for a person to submit a complaint alleging a violation
 338 of this chapter. This section does not prohibit the filing of an
 339 anonymous complaint or a complaint not submitted in the
 340 prescribed format. Any person has standing to submit a complaint
 341 under this chapter.

342 908.302 Enforcement; penalties.-

343 (1) The state attorney for the county in which a state
 344 entity is headquartered or in which a local governmental entity
 345 or law enforcement agency is located has primary responsibility
 346 and authority for investigating credible complaints of a
 347 violation of this chapter. The results of an investigation by a
 348 state attorney shall be provided to the Attorney General in a

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349 timely manner.

350 (2) (a) A state entity, local governmental entity, or law
 351 enforcement agency about which the state attorney has received a
 352 complaint shall comply with a document request from the state
 353 attorney related to the complaint.

354 (b) If the state attorney determines that a complaint filed
 355 against a state entity, local governmental entity, or law
 356 enforcement agency is valid, the state attorney shall, not later
 357 than the 10th day after the date of the determination, provide
 358 written notification to the entity or agency that:

359 1. The complaint has been filed.

360 2. The state attorney has determined that the complaint is
 361 valid.

362 3. The state attorney is authorized to file an action to
 363 enjoin the violation if the entity or agency does not come into
 364 compliance with the requirements of this chapter on or before
 365 the 60th day after the notification is provided.

366 (c) No later than the 30th day after the day a state
 367 entity, local governmental entity, or law enforcement agency
 368 receives written notification under paragraph (b), the entity or
 369 agency shall provide the state attorney with a copy of:

370 1. The entity's or agency's written policies and procedures
 371 with respect to federal immigration agency enforcement actions,
 372 including the entity's or agency's policies and procedures with
 373 respect to immigration detainers.

374 2. Each immigration detainer received by the entity or
 375 agency from a federal immigration agency in the current calendar
 376 year-to-date and the 2 prior calendar years.

377 3. Each response sent by the entity or agency for an

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378 immigration detainer described by subparagraph 2.

379 (3) The Attorney General, the state attorney who conducted
 380 the investigation, or a state attorney so ordered by the
 381 Governor pursuant to s. 27.14 may institute proceedings in
 382 circuit court to enjoin a state entity, local governmental
 383 entity, or law enforcement agency found to be in violation of
 384 this chapter. Venue of an action brought by the Attorney General
 385 may be in Leon County. The court shall expedite an action under
 386 this section, including setting a hearing at the earliest
 387 practicable date.

388 (4) Upon adjudication by the court or as provided in a
 389 consent decree declaring that a state entity, local governmental
 390 entity, or law enforcement agency has violated this chapter, the
 391 court shall enjoin the unlawful sanctuary policy and order that
 392 such entity or agency pay a civil penalty to the state of at
 393 least \$1,000 but not more than \$5,000 for each day that the
 394 sanctuary policy was in effect commencing on October 1, 2019, or
 395 the date the sanctuary policy was first enacted, whichever is
 396 later, until the date the injunction was granted. The court has
 397 continuing jurisdiction over the parties and subject matter and
 398 may enforce its orders with the imposition of additional civil
 399 penalties as provided for in this section and the initiation of
 400 contempt proceedings as provided by law.

401 (5) An order approving a consent decree or granting an
 402 injunction or imposing civil penalties pursuant to subsection
 403 (4) must include written findings of fact that describe with
 404 specificity the existence and nature of the sanctuary policy
 405 that is in violation of s. 908.201 and identify each sanctuary
 406 policy maker who voted for, allowed to be implemented, or voted

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407 against repeal or prohibition of the sanctuary policy. The court
 408 shall provide to the Governor a copy of the consent decree or
 409 order granting an injunction or imposing civil penalties which
 410 contains the written findings required by this subsection within
 411 30 days after the date of rendition. A sanctuary policymaker
 412 identified in an order approving a consent decree or granting an
 413 injunction or imposing civil penalties may be suspended or
 414 removed from office pursuant to general law and s. 7, Art. IV of
 415 the State Constitution.

416 (6) A state entity, local governmental entity, or law
 417 enforcement agency ordered to pay a civil penalty pursuant to
 418 subsection (4) shall remit such payment to the Chief Financial
 419 Officer, who shall deposit it into the General Revenue Fund.

420 (7) Except as required by law, public funds may not be used
 421 to defend or reimburse a sanctuary policymaker or an official,
 422 representative, agent, or employee of a state entity, local
 423 governmental entity, or law enforcement agency who knowingly and
 424 willfully violates this chapter.

425 908.303 Civil cause of action for personal injury or
 426 wrongful death attributed to a sanctuary policy; trial by jury;
 427 required written findings.-

428 (1) A person injured in this state by the tortious acts or
 429 omissions of an alien unlawfully present in the United States,
 430 or the personal representative of a person killed in this state
 431 by the tortious acts or omissions of an alien unlawfully present
 432 in the United States, has a cause of action for damages against
 433 a state entity, local governmental entity, or law enforcement
 434 agency in violation of ss. 908.201 and 908.202 upon proof by the
 435 greater weight of the evidence of:

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436 (a) The existence of a sanctuary policy in violation of s.
 437 908.201; and

438 (b)1. A failure to comply with s. 908.202 which results in
 439 such alien's having access to the person injured or killed when
 440 the tortious acts or omissions occurred; or

441 2. A failure to comply with s. 908.204(1)(c) which results
 442 in such alien's having access to the person injured or killed
 443 when the tortious acts or omissions occurred.

444 (2) A cause of action brought pursuant to subsection (1)
 445 may not be brought against a person who holds public office or
 446 who has official duties as a representative, agent, or employee
 447 of a state entity, local governmental entity, or law enforcement
 448 agency, including a sanctuary policymaker.

449 (3) Trial by jury is a matter of right in an action brought
 450 under this section.

451 (4) A final judgment entered in favor of a plaintiff in a
 452 cause of action brought pursuant to this section must include
 453 written findings of fact that describe with specificity the
 454 existence and nature of the sanctuary policy that is in
 455 violation of s. 908.201 and that identify each sanctuary
 456 policymaker who voted for, allowed to be implemented, or voted
 457 against repeal or prohibition of the sanctuary policy. The court
 458 shall provide a copy of the final judgment containing the
 459 written findings required by this subsection to the Governor
 460 within 30 days after the date of rendition. A sanctuary
 461 policymaker identified in a final judgment may be suspended or
 462 removed from office pursuant to general law and s. 7, Art. IV of
 463 the State Constitution.

464 (5) Except as provided in this section, this chapter does

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465 not create a private cause of action against a state entity,
 466 local governmental entity, or law enforcement agency that
 467 complies with this chapter.

468 908.304 Ineligibility for state grant funding.-

469 (1) Notwithstanding any other provision of law, a state
 470 entity, local governmental entity, or law enforcement agency is
 471 ineligible to receive funding from nonfederal grant programs
 472 administered by state agencies that receive funding from the
 473 General Appropriations Act for a period of 5 years after the
 474 date of adjudication that such state entity, local governmental
 475 entity, or law enforcement agency had in effect a sanctuary
 476 policy in violation of this chapter.

477 (2) The applicable state attorney shall notify the Chief
 478 Financial Officer of an adjudicated violation of this chapter by
 479 a state entity, local governmental entity, or law enforcement
 480 agency and shall provide him or her a copy of the final court
 481 injunction, order, or judgment. Upon receiving such notice, the
 482 Chief Financial Officer shall timely inform all state agencies
 483 that administer nonfederal grant funding of the adjudicated
 484 violation by the state entity, local governmental entity, or law
 485 enforcement agency and direct such agencies to cancel all
 486 pending grant applications and enforce the ineligibility of such
 487 entity for the prescribed period.

488 (3) This subsection does not apply to:

489 (a) Funding that is received as a result of an
 490 appropriation to a specifically named state entity, local
 491 governmental entity, or law enforcement agency in the General
 492 Appropriations Act or other law.

493 (b) Grants awarded prior to the date of adjudication that

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494 such state entity, local governmental entity, or law enforcement
 495 agency had in effect a sanctuary policy in violation of this
 496 chapter.

497 PART IV

498 MISCELLANEOUS

499 908.401 Education records.-This chapter does not apply to
 500 the release of information contained in education records of an
 501 educational agency or institution, except in conformity with the
 502 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
 503 1232g.

504 908.402 Discrimination prohibited.-A state entity, a local
 505 governmental entity, or a law enforcement agency, or a person
 506 employed by or otherwise under the direction or control of such
 507 an entity or agency, may not base its actions under this chapter
 508 on the gender, race, religion, national origin, or physical
 509 disability of a person except to the extent authorized by the
 510 United States Constitution or the State Constitution.

511 Section 3. A sanctuary policy, as defined in s. 908.102,
 512 Florida Statutes, as created by this act, that is in effect on
 513 the effective date of this act must be repealed within 90 days
 514 after that date.

515 Section 4. Sections 908.302 and 908.303, Florida Statutes,
 516 as created by this act, shall take effect October 1, 2019, and,
 517 except as otherwise expressly provided in this act, this act
 518 shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

January 17, 2019

The Honorable David Simmons, Chair
Judiciary Committee
404 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simmons:

I am writing to request that Senate Bill 168, Federal Immigration Enforcement, be placed on the agenda of the next Judiciary Committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

cc: Tom Cibula, Staff Director
Joyce Butler, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

SB 168

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name David L. Jaroslav

Job Title State & Local Legislative Manager

Address 25 Massachusetts Ave., NW #330

Phone (202) 328-7004

Street

Washington

DC

20001

Email djaroslav@fairus.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Federation for American Immigration Reform (FAIR)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019
Meeting Date

SB 168

Bill Number (if applicable)

Topic Forced cooperation of local govts with CE

Amendment Barcode (if applicable)

Name Linda Miklowitz

Job Title chair, Task Force, (NCJW) National Council of Jewish Women Tallahassee

Address 2542 Arthur's Court
Street

Phone _____

Tallahassee
City

FL
State

32301
Zip

Email NCJW Tallahassee

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing NCJW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Action Team @ gmail.com

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019

Meeting Date

SB168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Stephanie Melendez

Job Title

Address 10137 Eastman Commons Blvd. Street

Phone 321-216-1388

Orlando FL 32825 City State Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [] In Support [X] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-2018
Meeting Date

SB 168
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID BENNAGE

Job Title RETIRED

Address 1514 W. THARPE ST

Phone _____

TALLAHASSEE FL 32303

Email KIDRID1@AOL

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19

Meeting Date

SB168

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Karen Nelms

Job Title _____

Address 1514 W. Tharpe St

Phone _____

Tallahassee FL 32303

Email karenkan7@hotmail

Street

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19 Meeting/Date

168 Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title

Address 579 E. Cull Street

Phone 850-321-9386

Tallahassee, FL 32301 City State Zip

Email fcfe@yaho.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Center for Fiscal + Economic

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19
Meeting Date

168
Bill Number (if applicable)

Topic Federal Immigration Enforcement
Margarita Romo

Amendment Barcode (if applicable)

Name MARGARITA ROMO

Job Title Ex Director

Address 37240 Calle de Milagros

Phone 352-206-7763

Street
Dade City FL 33523
City State Zip

Email Romo1936@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FARMWORKERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name David Sleeth

Job Title Engage Legislative Director

Address 1631 Cary Wood Circle

Phone 305-587-3405

Street

Tallahassee FL 32304

City

State

Zip

Email dsleeth@engageusa.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Engage

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19
Meeting Date

168
Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Safiyah Ameer

Job Title High School Student

Address 2906 East Genesee St.
Street

Phone 727-518-4282

Tampa Florida 33610
City State Zip

Email agtrabajama@gmail.com

Speaking: For Against Information

~~Waive Speaking: In Support Against
(The Chair will read this information into the record.)~~

Representing Florida Immigration Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19
Meeting Date

168
Bill Number (if applicable)

Topic Senate Bill 168

~~168~~
Amendment Barcode (if applicable)

Name Salma Afrah Amour 333

Job Title STUDENT

Address 2906 East Genesee Street
Street

Phone 813-573-2141

Tampa Florida 33618
City State Zip

Email Ametive2711@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2^e 11. 19

Meeting Date

168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Maria Jose Chapa

Job Title Community Advocate

Address _____

Phone _____

Street

Tampa FL 33610

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Immigration Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Maria Revelles

Job Title Deputy Director

Address 406 E Amelia St

Phone 315 930 5041

Street

Orlando FL 32804

City

State

Zip

Email MRevelles@FaithinFlorida.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Faith in Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019

Meeting Date

SB148

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Christina D'Agostino

Job Title

Address 2131 N Meridian Rd #215

Phone

Tallahassee FL 32303

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019
Meeting Date

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Larissa Chanze

Job Title Community Activist

Address 18410 NW 11th Ct

Phone 954-830-8919

Street Pembroke P. FL 33029

Email larissf@aol.com

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19

Meeting Date

168

Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title MS

Address 625 E. Brevard St

Phone 888-251-4280

City

State

Zip

Email barbara.devang1@yahoocoms

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/18

Meeting Date

168

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Annie Filkowski

Job Title Student

Address 103 Westridge Dr

Phone (239) 849-2644

Street

Tallahassee

FL

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.11.19
Meeting Date

168
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Laura Hernandez

Job Title Legislative Representative

Address 638 E park ave #09

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Alliance of Planned Parenthood Affiliates

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/19
Meeting Date

SB 168
Bill Number (if applicable)

Topic Anti-immigrant Bill

Amendment Barcode (if applicable)

Name Nery Lopez

Job Title Student, College and Community Organizer

Address 8303 SW 107th ave
Street

Phone _____

Miami FL 33173
City State Zip

Email Nery.lopez@floridainmigrant

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing We Are Florida Mobilization

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

168

Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Rosie Richeson

Job Title

Address 1433 Branch St.

Phone

Street

Tallahassee

FL

State

32303

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Gerry Doherty

Job Title Associate Producer

Address 230 SW 16th Ave Apt. B

Phone

Street

Miami

City

FL

State

33135

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing We Are Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Bro. Matt Dailey

Job Title Minister, ~~Faith in Public Life~~

Address 4298 Avon Park Cir

Phone

Street

Tallahassee

FL

State

32311

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Faith in Public Life

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19
Meeting Date

168
Bill Number (if applicable)

Topic Federal Immigration Enforcement

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park Av
Street

Phone _____

Tallahassee FL 32311
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 168

Bill Number (if applicable)

Meeting Date _____

Topic SB 168

Amendment Barcode (if applicable) _____

Name Juana Lozano

Job Title _____

Address 192 Nicole Lee Cir

Phone _____

Street

Apopka FL 32703

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 168

Bill Number (if applicable)

Meeting Date

Topic SB 168

Amendment Barcode (if applicable)

Name Sofia Lozano

Job Title

Address Monica Rose 605

Phone 407-949-7376

Street

Apopka

Fl.

State

32703

Zip

Email

Speaking: [] For [x] Against [] Information

Waive Speaking: [] In Support [x] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 168
Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Gandra J. Pineda

Job Title _____

Address Apopka FL 32703
Street

Phone 407 272 4917

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Rev. Andy Oliver

Job Title pastor

Address 1263 42nd Ave

Phone 863 397 0678

Street

St. Petersburg FL 33703

City

State

Zip

Email andy@allendaleumc.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Allendale United Methodist Church

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19

Meeting Date

SB168

Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Evan Oliver

Job Title Student

Address 1363 42nd Ave N

Street

Phone —

St Petersburg FL 33703

City

State

Zip

Email —

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/19
Meeting Date

SB 168
Bill Number (if applicable)

Topic Immigration Enforcement

Amendment Barcode (if applicable)

Name Isabel Sousa

Job Title Membership Director

Address 2800 Biscayne Blvd #200

Phone

Street

Miami

FL

33137

Email Isabel.Sousa@FloridaImmigrant.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing We Are FL - Immigrant Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name TED HUTCHINSON

Job Title FLORIDA STATE DIRECTOR

Address 1951 NW 7th AVE, #600
Street

Phone (786) 472-2620

MIAMI FL 33136
City State Zip

Email ted@fwd.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FWD. US

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-11-19
Meeting Date

SB168
Bill Number (if applicable)

Topic SB168

Amendment Barcode (if applicable)

Name Liam Oliver

Job Title Student

Address 1363 42nd Ave N
Street

Phone —

St. Petersburg FL 33703
City State Zip

Email —

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019

SB 168

Meeting Date

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name THOMAS KENNEDY

Job Title Political Director

Address 2397 Coral Way Apt. 3

Phone 986 346 2819

City Miami State FL Zip 33145

Email tkennedy@FLICVOTES.ORG

Speaking: For [] Against [X] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing WE ARE FLORIDA (FLIC)

Appearing at request of Chair: Yes [] No [X]

Lobbyist registered with Legislature: Yes [] No [X]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Affairs Dir.

Address 126 N. Mills Ave

Phone 407-376-4801

Street

Orlando FL 32801

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Immigrant Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/11/2019

Meeting Date

SB 168

Bill Number (if applicable)

Topic SB 168

Amendment Barcode (if applicable)

Name Maria Bilbao

Job Title Member of the immigrant community - organizer

Address 1351 - NE 191 ST #102

Phone 786 470 5773

Street

North Miami Beach FL

Email maria@unitedwedream.com

City

State

Zip

Speaking: [] For [X] Against [] Information

Waive Speaking: [] In Support [X] Against (The Chair will read this information into the record.)

Representing United we dream and we are florida

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 168
Bill Number (if applicable)

Meeting Date _____

Topic Immigration

Amendment Barcode (if applicable) _____

Name Isabel Ruano

Job Title _____

Address 2652 Yarmouth Lane

Phone _____

Tallahassee FL 32309
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Davis, Eva

From: Cradit, Rona Kay <RonaKayCradit@fdle.state.fl.us>
Sent: Tuesday, February 5, 2019 5:02 PM
To: Davis, Eva
Cc: Pritt, Jennifer; Pyle, Michelle
Subject: FW: Sanctuary Jurisdictions in Florida
Attachments: DOJ Cert List.xlsx; 2018JAG_CLOcerts_Bondi.pdf; FY 2017 JAG CLO Certification_SIGNED.pdf; FY2017 JAG CEO Certification_SIGNED.pdf; FY2018 Byrne-JAG Program CEO Certification.pdf

Good afternoon, Ms. Davis.

Assistant Commissioner Pritt forwarded your request to our office regarding our experience with sanctuary city issues. The Edward Byrne Memorial Justice Assistance Grant (JAG) program, funded through the United States Department of Justice (DOJ), is the nation's largest source of criminal justice grant funding. The program provides state and local jurisdictions across the country with grants in support of a broad range of criminal justice programs and activities. Florida's current JAG funding allocation process is formula driven providing funds to a majority of counties and municipalities in the state.

Beginning with the 2017 federal fiscal year, states and local governments applying for awards under the JAG Program are required to submit specific certifications from the chief legal officer of the applicant government (e.g., the Attorney General of the State) and the chief executive officer of the applicant government (e.g., the Governor or the Mayor) regarding the applicant's compliance with 8 U.S.C. § 1373. (For the purposes of this certification, Indian tribes were not considered local governments). The certifications were required to be submitted using forms provided by the US DOJ. Several iterations of the form were provided; any properly executed version has been deemed acceptable by the US DOJ. An overview of the requirements can be found here:

<https://ojp.gov/funding/Explore/SolicitationRequirements/index.htm>

The certification requirement sparked a number of questions from states across the country. There were concerns about requiring a state's governor or attorney general to attest to the practices of local governments. However, DOJ maintained that imposition of this certification requirement on grant awards is consistent with their statutory authority. As a result, FDLE notified all units of local government that receive JAG awards of the DOJ certification requirements. To date, FDLE has received executed chief legal officer certifications from 188 county governments and municipal governments and chief executive officer certifications from 111 county governments and municipal governments (please see the attached spreadsheet for a detailed list).

In part, the DOJ certification forms require signatories to:

- Undertake reviews of specific sections of 8 U.S.C. § 1373;
- Certify their understanding that DOJ will require their compliance with 8 U.S.C. § 1373; and,
- Certify that no programs or activities will be funded which conflicts with the requirements of 8 U.S.C. § 1373.

If you wish to review the DOJ certification forms, the most recent versions, for both 2017 and 2018, can be accessed via the DOJ website here: <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. I am also attaching copies of the state's certifications for the 2017 and 2018 JAG awards, signed by Governor Scott and Attorney General Bondi.

With regard to your question about which Florida jurisdictions are considered "sanctuary jurisdictions," we are not privy to the specific review criteria used by DOJ to make this determination. However, it is clear that the restriction of information sharing by a jurisdiction's law enforcement officers with federal immigration authorities is of primary concern, at least for the purposes of federal JAG funding. In January of 2018, DOJ issued a press release with a list of 23 state and local governments identified as part of an 8 U.S.C. § 1373 compliance review. One Florida municipality, West Palm Beach, was on the list. The DOJ press release can be found here: <https://www.justice.gov/opa/pr/justice-department-demands-documents-and-threatens-subpoena-23-jurisdictions-part-8-usc-1373>. Additionally, the letter sent to each of the named governments detailing the specifics of the requested information is also available: <https://www.justice.gov/opa/press-release/file/1028311/download>

The document you provided lists several Florida jurisdictions; you can see on the attached that most have provided us with at least one of the required certifications. The cities of Key West, St. Petersburg, and West Palm Beach do not receive pass-through funding from FDLE; they receive direct awards from DOJ and would have to provide the required certifications directly to DOJ.

Alachua County – CLO Certification provided	Bradford County – CLO and CEO Certification provided
Broward County – CLO and CEO Certification provided	Flagler County – CLO and CEO Certification provided
Gulf County – CLO and CEO Certification provided	Gulf County – CLO and CEO Certification provided
Highlands County - CLO Certification provided	Leon County – CLO and CEO Certification provided
Seminole County – CLO and CEO Certification provided	St. Lucie County – CLO Certification provided
Key West – does not receive pass through award	Palm Beach County – CLO Certification provided
St. Petersburg - does not receive pass through award	Volusia County – no certification provided
Washington County - CLO and CEO Certification provided	City of West Palm Beach - does not receive pass through award

I hope this information provides you with some useful information. DOJ also has a “Frequently Asked Questions” list which can be accessed here: https://ojp.gov/funding/Explore/pdf/FY18_QandA.pdf

If I can assist in any way, please do not hesitate to contact me.

Rona Kay Credit
Bureau Chief
Office of Criminal Justice Grants
Florida Department of Law Enforcement
(850) 617-1264

FLORIDA SHERIFFS ASSOCIATION

LEGAL ALERT



ICE DETAINERS

Two recent cases from federal courts call into question the validity of detaining inmates based solely upon a detention order of Immigration and Customs Enforcement, ("ICE") when no probable cause otherwise exists to support their seizure. In these cases, the courts ruled that ICE detainers are not mandatory and will not shield county jails from liability arising from the detention of an individual pursuant to an ICE detainer alone, without a warrant or deportation order.

The plaintiffs in both cases were detained under ICE detention orders, DHS Form I – 247, which indicated that an investigation had been initiated to determine whether they were subject to removal and deportation. The counties operating the jails were found liable based upon a finding of an unlawful seizure notwithstanding their compliance with a federal regulation, 8 CFR § 287.7, cited in Form I – 247 that provided apparent authority for the continued detention of the inmates.

In *Galarza v. Szalczyk*, no. 12-3991, 2014 WL 815127 (3d Cir. Mar. 4, 2014) the plaintiff (Galarza) had been arrested on a drug offense. Although a surety posted bail, Galarza was held because of an immigration detainer mistakenly describing Galarza as a suspected "alien" and a citizen of the Dominican Republic. He was released three days following his arrest when he was able to convince ICE officials that he was a United States citizen and not an illegal alien.

In *Miranda-Olivares v. Clackamas County*, Case No. 3:12-cv-12317-ST, 2014 WL 1414305 (D. Ore. April 11, 2014) the plaintiff had been arrested on a domestic violence restraining order. Bail was set at \$5000, and although her family was able to pay the premium of \$500 for her release, they were told by the jail staff that Miranda-Olivares could not be released because of a detainer. She pled to the offense and was sentenced to time served. However, because of the detainer she was delayed an additional 19 hours before being released to the custody of ICE agents.

In both cases, the courts held that there was no authority to detain either individual. Importantly, Form I – 247 was recognized as a notice issued to federal, state, or local law enforcement agencies informing them that ICE intends to assume custody of an illegal alien and *requesting* that an agency maintain custody of an individual. Due to the absence of probable cause, the courts held that neither Galarza nor Miranda-Olivares could be detained when they were otherwise lawfully entitled to be released.

As expected, the counties asserted defenses that they were relying upon the ICE detainers and the apparent authority of the federal government to require their detention. However, in each case, liability was established because the continued detention was unlawful.

As a result of these cases, sheriffs should be aware that any detention of an ICE detainee without probable cause may subject the sheriff's office to liability for an unlawful seizure. A suspect may be detained if Form I – 247 indicates that a warrant of arrest for removal proceedings has been served or that ICE has obtained an order of deportation or removal (see attached form). In either case, jail staff should

request a copy of the warrant or the order of deportation to determine that probable cause in fact exists for the continued detention.

It may also be helpful to give ICE notice when possible of the detention of a suspected illegal alien and the anticipated release date. Upon receipt of an ICE detainer, jail staff should contact an ICE office and notify their staff of the conditions under which a detainer will be honored and the approximate date, if known, when the inmate is expected to be released. This notice may provide ICE with an opportunity to meet the conditions required for detention or to respond to the jail to take custody of the inmate on or prior to the release date.

Questions concerning this legal alert should be directed to the Sheriff's legal advisor or may otherwise be directed to Wayne Evans, General Counsel for the FSA, at revans@anblaw.com, 850 561 3503.

Florida Sheriffs Association
January 24, 2019

BOA with ICE

1. Pinellas
2. Lee
3. Manatee
4. Bay
5. Walton
6. Hernando
7. Brevard
8. Polk
9. Indian River
10. Charlotte
11. Monroe
12. Sarasota
13. Columbia
14. Santa Rosa
15. Suwannee
16. Hillsborough
17. Pasco
18. Seminole
19. Lake
20. Marion
21. Flagler
22. Hardee
23. Nassau
24. Levy
25. Highlands
26. Palm Beach
27. Washington
28. Gulf (county operated jail)
29. Gilchrist

287g in the Jail

Jacksonville
Clay
Collier
Pasco
Hernando

IGSA Contract for ICE Inmates

Wakulla
Glades
Monroe
Baker

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 462

INTRODUCER: Judiciary Committee and Senator Powell

SUBJECT: Lis Pendens

DATE: February 12, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cibula	Cibula	JU	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 462 amends statutes relating to notices of lis pendens and service of process, which are judicial processes governed by chapter 48, F.S.

The changes to the lis pendens statute clarify how long a notice of lis pendens bars the enforcement of liens or other interests on a property that is sold in a judicial sale. As clarified, a notice of lis pendens bars the enforcement of liens or other interests on the property until the instrument transferring title to the property is recorded. This change is a response to a recent appellate court opinion that could be read to make a purchaser of property at a foreclosure sale responsible for liens recorded on the property after the sale but before the new title is recorded.

The changes to the statutes regulating service of process allow:

- A certified process server to serve, with respect to civil process, any nonenforceable civil process.
- A process server to serve the spouse of the person to be served in any county of the state, not just the county of their shared residence.
- A process server to serve a limited liability company at additional types of addresses used as a business address, including the address of a virtual office, executive office, or mini suite.
- Any process server to electronically sign return-of-service forms that document the date and time of service, which is a convenience currently reserved for process servers employed by a sheriff.

II. Present Situation:

A notice of lis pendens,¹ upon recording in the official records of the county, provides notice that a property is the subject of litigation. The notice essentially warns parties who are not involved in the litigation, such as subsequent purchasers or encumbrancers, that any interest they acquire in the property while the litigation is pending may be adversely affected by the outcome of the case.² In other words, the notice of lis pendens helps potential purchasers or encumbrancers of a property avoid becoming embroiled in the dispute, and protects the plaintiff from intervening liens and interests that would impair any property rights claimed.³

The Lis Pendens Statute

The lis pendens statute provides that “[a]n action in any of the state or federal courts in this state operates as a lis pendens on any real or personal property involved therein or to be affected thereby *only if a notice of lis pendens is recorded in the official records of the county where the property is located.*”⁴

The notice of lis pendens must contain the following:

- The names of the parties to the lawsuit.
- The date that the lawsuit was filed, the date of the clerk’s electronic receipt, or the case number of the lawsuit.
- The name of the court in which the suit is pending.
- A description of the property involved or to be affected.
- A statement of the relief sought as to the property.⁵

Once a lis pendens is filed, a holder of an unrecorded interest or lien who fails to timely intervene in the proceedings may lose the right to those interests as described below:

[T]he recording of such notice of lis pendens . . . constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien intervenes in such proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and *if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens.*⁶

¹ “Lis pendens” is Latin for a pending lawsuit. BLACK’S LAW DICTIONARY (10th ed. 2014).

² *Chiusolo v. Kennedy*, 614 So. 2d 491, 492 (Fla. 1993).

³ *Id.* at n. 1. (Thus, lis pendens exists at least in part to prevent third-party purchasers from “buying” a lawsuit when they purchase the property.)

⁴ Section 48.23(1)(a), F.S. The current statutory scheme regulating the procedural requirements and effect of notices of lis pendens has its origins in common law.

⁵ Section 48.23(1)(c), F.S.

⁶ Section 48.23(1)(d), F.S.

The Ober Opinions

Ober I, the Withdrawn Opinion

On August 24, 2016, the Fourth District Court of Appeal issued an opinion in *Ober v. Town of Lauderdale-by-the-Sea*, which was later withdrawn and replaced with a substitute opinion.⁷ The issue in the opinions required the court to interpret the meaning of the foregoing portions of the lis pendens statute. Specifically, the court sought to determine whether the statute bars the enforcement of liens recorded after a final judgment of foreclosure but before a judicial sale of the property.

Under the facts of the case, a bank recorded a notice of lis pendens on a property as part of a foreclosure proceeding that it initiated on November 26, 2007. Nearly a year later, on September 22, 2008, the bank obtained a foreclosure judgment on the property. Then, between July 13, 2009, and October 27, 2011, the Town of Lauderdale-by-the-Sea recorded seven code enforcement liens. Finally, the property was sold at a judicial sale to James Ober on September 27, 2012, more than 4 years after the foreclosure judgment. After purchasing the property, Mr. Ober filed suit to quiet title and the town counterclaimed to foreclose on its liens.

In its first *Ober* decision, the district court recognized that the lis pendens statute “does not provide an end date for the lis pendens.”⁸ Then the court sought to identify an end date to “avoid the absurd result of a lis pendens precluding any lien from ever being placed on the property in perpetuity.”

Upon reviewing the portion of the lis pendens statute which states, “[a]n action in any of the state or federal courts in this state operates as a lis pendens . . . only if a notice of lis pendens is recorded,”⁹ the *Ober I* court declared that the

plain meaning of [the] provision indicates that the action itself is the actual lis pendens, which takes effect if and when a notice is filed. The lis pendens therefore logically must terminate along with the action. The “action” in this case was the foreclosure action initiated by the non-party bank, which terminated thirty days after the court’s issuance of a final judgment.¹⁰

The *Ober I* court ultimately held that “a lis pendens bars liens only through final judgment, and does not affect the validity of liens after that date, even if they are before the actual sale of the property.”¹¹ The court went on to state that the *Ober I* “case appears to reveal a misstatement of the law” in the Final Judgment of Foreclosure form incorporated into the Florida Rules of Civil

⁷ *Ober v. Town of Lauderdale-by-the-Sea* No. 4D14-4597 (Fla. 4th DCA 2016), opinion withdrawn and superseded on reh’g., 218 So. 3d 952 (Fla. 4th DCA 2017). The withdrawn opinion is no longer available on Westlaw, but it is available without reference, pages, or volume numbers at findlaw.com at <http://caselaw.findlaw.com/fl-district-court-of-appeal/1746796.html>.

⁸ *Id.*

⁹ Section 48.23(1)(a), F.S.

¹⁰ See *Ober I*, *supra* n. 7.

¹¹ *Id.*

Procedure. The form, according to the *Ober I* court, incorrectly suggests that “all liens from the filing of the lis pendens until the certificate of sale¹² is filed are discharged.”

Ober II, the Substitute Opinion

The Fourth District Court of Appeal’s first *Ober* opinion “shocked the mortgage lending community by holding that the protections traditionally afforded by the recordation of a lis pendens terminated 30 days after the entry of final judgment of foreclosure even when the sale had not yet occurred.”¹³ The opinion, going against the traditional understanding of the statute, was expected to disrupt the sale of title insurance, the real estate market, and reduce bids on properties at foreclosure sales, which would result in more foreclosed property owners facing liability for deficiency judgments.¹⁴

However, the court granted Ober’s motion for rehearing and issued a substitute opinion, essentially reversing its initial opinion.¹⁵ In the substitute opinion, the *Ober II* court stated:

We reject the Town’s argument that the statute applies only to liens existing or accruing prior to the date of the final judgment. The language of the statute is broad, applying to “all interests and liens.” Significantly, the statute expressly contemplates that its preclusive operation continues through a “judicial sale.” This is consistent with how foreclosure suits operate in the real world.¹⁶

The *Ober II* court’s opinion also indicates that several groups that are active participants in real estate transactions filed amicus briefs in opposition to the court’s initial decision. The Florida Bankers Association advised the court that foreclosure suits are “unlike many civil lawsuits in that ‘much remains to be accomplished after entry of final judgment, including the foreclosure sale, the issuance of certificates of sale and title, and, in many instances, the prosecution of a deficiency claim, all under court supervision.’”¹⁷ The court also noted that the Business Law Section of The Florida Bar explained that the statement of law in the Final Judgment of Foreclosure form, which the court previously criticized, “reflects the common understanding of the operation of the lis pendens statute.”¹⁸

In concluding its substitute opinion, the *Ober II* court recognized that precluding the enforcement of local code enforcement liens between a final judgment of foreclosure and the judicial sale of a foreclosed property presents the practical problem of collecting fines for code violations. This problem, according to the court, is in the province of the Legislature.¹⁹

¹² A certificate of sale is a document that the clerk of court will file and serve on the affected parties after the judicial sale of the property. The certificate will identify when notices of the sale were published in a newspaper and identify the purchaser and the amount paid for the property. Afterwards, the clerk will record a certificate of title transferring title of the property to the purchaser. Section 45.031(4) and (6), F.S.

¹³ Lauren Reynolds, *The Resurrection of Lis Pendens: Ober Reversed on Rehearing*, 20 No. 17 CONSUMER FIN. SERVICES L. REP. 26 (Feb. 28, 2017).

¹⁴ *Id.*

¹⁵ *Ober v. Town of Lauderdale-by-the-Sea*, 218 So. 3d 952 (Fla. 4th DCA 2017), cert. denied, 2017 WL 3883662 (Fla. 2017).

¹⁶ *Id.* at 954.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 954-55.

Real Property Probate & Trust Law Section of The Florida Bar

Although, the Fourth District Court of Appeal reversed itself, the Real Property, Probate, and Trust Law Section of The Florida Bar is pursuing legislative changes to the lis pendens statute.²⁰ The wording of the court's substitute opinion in *Ober II* described the preclusive effect of a notice of lis pendens as continuing "through a 'judicial sale.'"²¹ As such, the court may have inadvertently created a gap between a judicial sale and the recording of a certificate of title during which liens may attach to a foreclosed property. This gap, in some cases, may last "days, weeks, or months."²²

Accordingly, the changes pursued by the bar Section are intended to "preserve the widely understood interpretation of the statute, that . . . a lis pendens remains in effect through the recording of an instrument transferring title pursuant to a judicial sale."²³ This change will "provide the purchaser [of foreclosed property] with title free and clear of intervening subordinate interests or liens."²⁴

Service of Process

Service of process involves the delivery of papers such as pleadings, complaints, and subpoenas in connection with judicial proceedings. These documents must be delivered by a process server who is disinterested in the outcome of the case. There are four types of individuals who are authorized to serve process: sheriffs' officers, special process servers, certified process servers, and those authorized to serve civil witness subpoenas under the rules of civil procedure.²⁵ Certified process servers may serve "initial nonenforceable civil process, criminal witness subpoenas, and criminal summonses."²⁶

Typically, personal service is accomplished by personal delivery of the process to its intended recipient.²⁷ In some cases, however, the statutes allow for service on others in place of the intended recipient. For example, process may be made on the intended recipient's spouse "if the cause of action is not an adversary proceeding between the spouse and the person to be served, if the spouse requests such service, and if the spouse and person to be served are residing together in the same dwelling."²⁸

Substitute service is also allowed if the only address discoverable through public records for the person to be served is a private mailbox, a virtual office, or an executive office or mini suite.²⁹ In

²⁰ Real Property, Probate, and Trust Law Section of The Florida Bar, *White Paper: Proposal to Amend Section 48.23, Fla. Stat. (Lis Pendens)* (Oct. 10, 2017) (On file with the Senate Committee on Judiciary).

²¹ *Ober*, 218 So. 3d at 954.

²² Real Property, Probate and Trust Law Section, *supra* n. 17.

²³ *Id.*

²⁴ *Id.*

²⁵ See ss. 48.021(1), 48.27, F.S., and Fla.R.Civ.P. 1.070.

²⁶ Section 48.021(1), F.S.

²⁷ Section 48.031(1)(a), F.S.

²⁸ Section 48.031(2)(a), F.S.

²⁹ Section 48.031(6)(a), F.S. A virtual office is "an office that provides communications services, such as telephone or facsimile services, and address services without providing dedicated office space, and where all communications are routed through a common receptionist." Section 48.031(6)(b), F.S. An executive office or mini suite is "an office that provides

these instances, substitute service may be made by leaving a copy of the process with the person in charge of the facility.

Similarly, service may be made on a limited liability company by serving the process on its registered agent.³⁰ The agent's business address for service of process must be the same as the agent's registered office, but this address may be a residence or a private mailbox.³¹

When a process server serves process, the process server must place "on the first page of at least one of the processes served, the date and time of service and his or her identification number and initials for all service of process."³² The process server must also sign a return-of-service form identifying all the initial pleadings delivered and served with the process. If the process server is employed by a sheriff, he or she may sign the form with an electronic signature.³³ The person who requested service or the person authorized to serve the process must file the form with the court.³⁴

When service of process must be made on a person who is outside this state, the statutes state that the process "shall be made . . . by any officer authorized to serve process in the state where the person is served."³⁵ The statutes further provide that the officer's affidavit, which identifies the time, manner, and place of service, should be filed with the court.

III. Effect of Proposed Changes:

Notices of Lis Pendens

A notice of lis pendens is notice recorded in the official records of a county warning that the outcome of litigation involving the property may affect the interests of future purchasers or encumbrancers, such as those who may enforce a lien against the property. This bill clarifies that a notice of lis pendens precludes the enforcement of liens or other interests against a foreclosed property until the instrument transferring title to the property is recorded. This clarification to the lis pendens statute, according to the Real Property, Probate, and Trust Law Section of The Florida Bar, is consistent with "the long established and accepted understanding of the lis pendens statute."³⁶

The bill is a response to a 2017 appellate court opinion interpreting the current lis pendens statute. Due to its particular wording, the opinion could be read to allow liens to be enforced against a foreclosed property after the property is sold at a judicial sale but before the date the title is recorded.

communications services, such as telephone and facsimile services, a dedicated office space, and other supportive services, and where all communications are routed through a common receptionist." *Id.*

³⁰ Section 48.062, F.S.

³¹ Sections 605.0113(1)(a) and 48.062(4), F.S.

³² Section 48.031(5), F.S.

³³ Section 48.21(1), F.S.

³⁴ Section 48.031(5), F.S.

³⁵ Section 48.194(1), F.S.

³⁶ *Id.*

The bill declares that, because of its clarifying nature, the changes to the lis pendens statute apply to actions pending on its effective date.³⁷

Service of Process

This bill allows certified process servers to serve a wider variety of process. Under current law, these process servers, with respect to civil process, may serve only the initial nonenforceable civil process. Under the bill, they may serve any nonenforceable civil process.

The bill also allows for substituted service on a spouse in any county, not just the county of residence of the spouse and person to be served as provided in current law.

Under the bill, a limited liability company may be served at additional types of business addresses. Existing law contemplates that a limited liability company will be served at the address for a registered agent or a member or manager if the address is a private mailbox or home. The bill allows a limited liability company to also be served at a virtual office, executive office, or mini suite.

The bill allows out-of-state service of process to be made by any person authorized to serve process in that state. In contrast, current law requires that out-of-state service of process be made by an officer authorized to serve process in the state.

Under the bill, any process server may sign return of service forms with an electronic signature. Under current law, this convenience is reserved for process servers employed by a sheriff.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Because of the bill clarifies existing law, it likely does not constitute a mandate subject to the requirements of article VII, section 18 of the Florida Constitution. However, if the changes to the lis pendens statute can properly be viewed as a limit on the authority of a local government to raise revenue by limiting the enforcement of code violations, the bill must be approved by a two-thirds vote of each house of the Legislature.

³⁷ Courts presume that when the Legislature amends a statute, a change in the meaning of the statute is intended. *Hill v. State*, 143 So. 3d 981, 986 (Fla. 4th DCA 2014) However, courts also “recognize that, at times, a mere change in the language of a statute ‘does not necessarily indicate an intent to change the law’ because the intent may be to clarify what was doubtful and to erase misapprehension as to existing law.” *Id.* (quoting *State ex rel. Szabo Food Servs., Inc. of N.C. v. Dickinson*, 286 So. 2d 529, 531 (Fla.1973)). Similarly, “if the Legislature amends a statute shortly after a controversy arises with respect to the interpretation of the statute, then the amendment may be considered to be a legislative interpretation of the original statute rather than a substantive change to the statute.” *Leftwich v. Florida Dept. of Corr.*, 148 So. 3d 79, 83 (Fla. 2014) (citing *Lowry v. Parole & Prob. Comm’n*, 473 So. 2d 1248, 1250 (Fla. 1985)). Accordingly, these interpretive principles support the assertion in the bill that it clarifies existing law and that the bill may apply to pending actions without violating the constitutional restrictions on retroactive laws.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

By precluding the enforcement of liens or other interests to a foreclosed property between the judicial sale and the transfer of title to the new purchaser, the bill may simplify or prevent complications in the completion of real estate transactions.

C. Government Sector Impact:

This bill may limit the ability of local governments to collect fines for code violations by ensuring that local governments cannot enforce a lien against a foreclosed property between the date of the foreclosure sale and the date the title to the property is transferred to the purchaser.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 48.021, 48.031, 48.062, 48.194, 48.21, and 48.23.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



447100

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 62
and insert:

Section 2. The changes made by this act to s. 48.23, Florida Statutes, are intended to clarify existing law and shall apply to actions pending on the effective date of this act.

Section 3. Subsection (1) of section 48.021, Florida Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the



12 county where the person to be served is found, except ~~initial~~
13 nonenforceable civil process, criminal witness subpoenas, and
14 criminal summonses may be served by a special process server
15 appointed by the sheriff as provided ~~for~~ in this section or by a
16 certified process server as provided ~~for~~ in s. 48.27 ~~ss. 48.25-~~
17 ~~48.31~~. Civil witness subpoenas shall ~~may~~ be served by any person
18 authorized by rules of civil procedure.

19 Section 4. Subsections (2) and (5) and paragraph (a) of
20 subsection (6) of section 48.031, Florida Statutes, are amended
21 to read:

22 48.031 Service of process generally; service of witness
23 subpoenas.—

24 (2) (a) Substituted ~~Substitute~~ service ~~may be made~~ on the
25 spouse of the person to be served may be made at any place in a
26 ~~the~~ county by an individual authorized under s. 48.021 or s.
27 48.27 to serve process in that county, if the cause of action is
28 not an adversarial ~~adversary~~ proceeding between the spouse and
29 the person to be served, if the spouse requests such service or
30 the spouse is also a party to the action, and if the spouse and
31 person to be served reside ~~are residing~~ together in the same
32 dwelling, regardless of whether such dwelling is located in the
33 county where substituted service is made.

34 (b) Substituted ~~Substitute~~ service may be made on an
35 individual doing business as a sole proprietorship at his or her
36 place of business, during regular business hours, by serving the
37 person in charge of the business at the time of service if two
38 attempts to serve the owner are ~~have been~~ made at the place of
39 business.

40 (5) A person serving process shall place, on the first page



447100

41 only of at least one of the processes served, the date and time
42 of service, his or her initials or signature, and, if
43 applicable, his or her identification number ~~and initials for~~
44 ~~all service of process. The person serving process shall list on~~
45 ~~the return-of-service form all initial pleadings delivered and~~
46 ~~served along with the process.~~ The person requesting service or
47 the person authorized to serve the process shall file the
48 return-of-service form with the court.

49 (6) (a) If the only address for a person to be served which
50 is discoverable through public records is a private mailbox, a
51 virtual office, or an executive office or mini suite,
52 substituted ~~substitute~~ service may be made by leaving a copy of
53 the process with the person in charge of the private mailbox,
54 virtual office, or executive office or mini suite, but only if
55 the process server determines that the person to be served
56 maintains a mailbox, a virtual office, or an executive office or
57 mini suite at that location.

58 Section 5. Subsection (4) of section 48.062, Florida
59 Statutes, is amended to read:

60 48.062 Service on a limited liability company.—

61 (4) If the address ~~provided~~ for the registered agent,
62 member, or manager is a residence, a ~~or~~ private mailbox, a
63 virtual office, or an executive office or mini suite, service on
64 the domestic or foreign limited liability company, ~~domestic or~~
65 ~~foreign,~~ may be made by serving the registered agent, member, or
66 manager in accordance with s. 48.031.

67 Section 6. Subsection (1) of section 48.194, Florida
68 Statutes, is amended to read:

69 48.194 Personal service outside state.—



70 (1) Except as otherwise provided herein, service of process
71 on persons outside of this state shall be made in the same
72 manner as service within this state by any person ~~officer~~
73 authorized to serve process in the state where the person is
74 served. No order of court is required. ~~A An affidavit of the~~
75 ~~officer shall be filed, stating the time, manner, and place of~~
76 ~~service. The~~ court may consider the return-of-service form
77 described in s. 48.21 affidavit, or any other competent
78 evidence, in determining whether service has been properly made.
79 Service of process on persons outside the United States may be
80 required to conform to the provisions of the Hague Convention on
81 the Service Abroad of Judicial and Extrajudicial Documents in
82 Civil or Commercial Matters.

83 Section 7. Subsection (1) of section 48.21, Florida
84 Statutes, is amended to read:

85 48.21 Return of execution of process.-

86 (1) Each person who effects service of process shall note
87 on a return-of-service form attached thereto, the date and time
88 when it comes to hand, the date and time when it is served, the
89 manner of service, the name of the person on whom it was served,
90 and, if the person is served in a representative capacity, the
91 position occupied by the person. The return-of-service form must
92 list all pleadings served and be signed by the person who
93 effects the service of process. However, a person who is
94 authorized under this chapter to serve process and ~~employed by a~~
95 ~~sheriff~~ who effects such ~~the~~ service of process may sign the
96 return-of-service form using an electronic signature ~~certified~~
97 ~~by the sheriff~~.

98



447100

99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:

101 Delete lines 2 - 9

102 and insert:

103 An act relating to judicial process; amending s.
104 48.23, F.S.; providing that a person who acquires for
105 value a lien on property during the course of
106 specified legal actions takes such lien free of claims
107 in certain circumstances; specifying the effect of a
108 valid, recorded notice of lis pendens in certain
109 circumstances involving a judicial sale; providing
110 applicability; amending s. 48.021, F.S.; revising
111 authority of special process servers; revising a
112 cross-reference; requiring that civil witness
113 subpoenas be served by certain persons; amending s.
114 48.031, F.S.; revising requirements for substituted
115 service on the spouse of the person to be served;
116 revising requirements for documenting service of
117 process; conforming terminology; amending s. 48.062,
118 F.S.; revising requirements for service on limited
119 liability companies; amending s. 48.194, F.S.;
120 revising provisions specifying who may serve process
121 outside of the state; revising requirements for
122 documenting that service has been properly made
123 outside the state; amending s. 48.21, F.S.; revising
124 requirements for return-of-service forms; authorizing
125 certain persons to electronically sign return-of-
126 service forms; providing an effective date.



877408

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/12/2019	.	
	.	
	.	
	.	

The Committee on Judiciary (Powell) recommended the following:

1 **Senate Amendment to Amendment (447100) (with title**
2 **amendment)**

3
4 Between lines 97 and 98

5 insert:

6 Section 8. Section 316.29545, Florida Statutes, is amended
7 to read:

8 316.29545 Window sunscreening exclusions; medical
9 exemption; certain law enforcement vehicles, process server
10 vehicles, and private investigative service vehicles exempt.—

11 (1) The department shall issue medical exemption



877408

12 certificates to persons who are afflicted with Lupus, any
13 autoimmune disease, or other medical conditions which require a
14 limited exposure to light, which certificates shall entitle the
15 person to whom the certificate is issued to have sunscreening
16 material on the windshield, side windows, and windows behind the
17 driver which is in violation of the requirements of ss.
18 316.2951-316.2957. The department shall consult with the Medical
19 Advisory Board established in s. 322.125 for guidance with
20 respect to the autoimmune diseases and other medical conditions
21 which shall be included on the form of the medical certificate
22 authorized by this section. At a minimum, the medical exemption
23 certificate shall include a vehicle description with the make,
24 model, year, vehicle identification number, medical exemption
25 decal number issued for the vehicle, and the name of the person
26 or persons who are the registered owners of the vehicle. A
27 medical exemption certificate shall be nontransferable and shall
28 become null and void upon the sale or transfer of the vehicle
29 identified on the certificate.

30 (2) The department shall exempt all law enforcement
31 vehicles used in undercover or canine operations from the window
32 sunscreening requirements of ss. 316.2951-316.2957.

33 (3) The department shall exempt from the window
34 sunscreening restrictions of ss. 316.2953, 316.2954, and
35 316.2956 vehicles that are owned or leased by process servers
36 certified pursuant to s. 48.29 and private investigators or
37 private investigative agencies licensed under chapter 493.

38 (4) The department may charge a fee in an amount sufficient
39 to defray the expenses of issuing a medical exemption
40 certificate as described in subsection (1).



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41 (5) The department is authorized to promulgate rules for
42 the implementation of this section.

43

44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete line 126

47 and insert:

48 service forms; amending s. 316.29545, F.S.; exempting
49 certified process servers from certain window
50 sunscreening restrictions; providing an effective
51 date.

By Senator Powell

30-00860-19

2019462__

A bill to be entitled

An act relating to lis pendens; amending s. 48.23, F.S.; providing that a person who acquires for value a lien on property during the course of specified legal actions takes such lien free of claims in certain circumstances; specifying the effect of a valid, recorded notice of lis pendens in certain circumstances involving a judicial sale; providing applicability; providing an effective date.

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

Section 1. Paragraphs (b) and (d) of subsection (1) of section 48.23, Florida Statutes, are amended to read:

48.23 Lis pendens.—

(1)

(b)1. An action that is filed for specific performance or that is not based on a duly recorded instrument has no effect, except as between the parties to the proceeding, on the title to, or on any lien upon, the real or personal property unless a notice of lis pendens has been recorded and has not expired or been withdrawn or discharged.

2. Any person acquiring for value an interest in, or lien upon, the real or personal property during the pendency of an action described in subparagraph 1., other than a party to the proceeding or the legal successor by operation of law, or personal representative, heir, or devisee of a deceased party to the proceeding, shall take such interest or lien exempt from all claims against the property that were filed in such action by

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

30-00860-19

2019462__

the party who failed to record a notice of lis pendens or whose notice expired or was withdrawn or discharged, and from any judgment entered in the proceeding, notwithstanding the provisions of s. 695.01, as if such person had no actual or constructive notice of the proceeding or of the claims made therein or the documents forming the causes of action against the property in the proceeding.

(d) Except for the interest of persons in possession or easements of use, the recording of such notice of lis pendens, provided that during the pendency of the proceeding it has not expired pursuant to subsection (2) or been withdrawn or discharged, constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien intervenes in such proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens. A valid recorded notice of lis pendens of such proceedings prosecuted to a judicial sale remains in effect through the recording of any instrument transferring title to the property pursuant to the final judgment unless it expires, is withdrawn, or it is otherwise discharged. If the notice of lis pendens expires or is withdrawn or discharged, the expiration, withdrawal, or discharge of the notice does not affect the validity of any unrecorded interest

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

30-00860-19

2019462__

59 or lien.

60 Section 2. This act is intended to clarify existing law and
61 shall apply to actions pending on the effective date of this
62 act.

63 Section 3. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

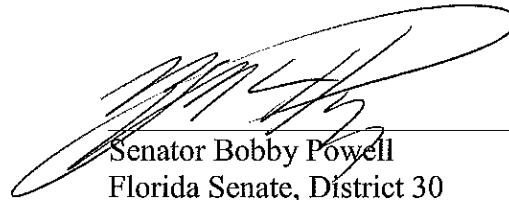
To: Senator David Simmons, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: February 6, 2019

I respectfully request that **Senate Bill #462**, relating to Lis Penders, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Bobby Powell
Florida Senate, District 30

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19

Meeting Date

462

Bill Number (if applicable)

Topic Lis Pendens

Amendment Barcode (if applicable)

Name Brittany Finkbeiner

Job Title _____

Address 215 S. Monroe St., Ste. 815

Phone (850) 999-4100

Street

Tallahassee

FL

32301

Email bfinkbeiner@deanmead.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Real Property, Probate & Trust Law Section of the Florida Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/2019
Meeting Date

462
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/11/19
Meeting Date

SB 463
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MARTY BOWEN

Job Title CONSULTANT

Address 108 E JEFFERSON ST.
Street

Phone 850-228-3904

TALLAHASSEE FL 32304
City State Zip

Email mhb@usa@1791.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla. Assoc. of Professional Process Servers (FAPPS)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/19 Meeting Date

SB 462 Bill Number (if applicable)
? Amendment Barcode (if applicable)

Topic

Name Michael Compton

Job Title FAPPS Representative

Address 224 Harvey Mill Rd Street

Phone 850-933-9333

Lanfordville, FL 32327 City State Zip

Email Mike@processamerica.com For Amendment

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Process Servers Association (FAPPS)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

REAL PROPERTY, PROBATE & TRUST LAW SECTION OF THE FLORIDA BAR

White Paper

Proposal to Amend §48.23, Fla. Stat. (Lis Pendens)

I. SUMMARY

This proposal to amend §48.23, Florida Statute, is intended to clarify §48.23(1)(d) to preserve the widely understood interpretation of the lis pendens statute that, in proceedings involving a judicial sale, a valid recorded notice lis pendens remains in effect through the recording of an instrument transferring title pursuant to the judicial sale (in order to provide the purchaser with title free and clear of intervening subordinate interests or liens).

II. SECTION BY SECTION ANALYSIS

Effectiveness of Notice of Lis Pendens

Current Situation

Consistent with the unique nature and purpose of a foreclosure action, a notice of lis pendens serves a dual purpose: to "protect future purchasers or encumbrancers of the property from becoming "embroiled" in the dispute, and to protect the plaintiff from 'intervening liens that could impair any property rights claimed ... "' *Fischer v. Fischer*, 873 So. 2d 534, 536 (Fla. 4th DCA 2004) (citations omitted).

Accordingly, the long established and accepted understanding of the lis pendens statute is that, except as otherwise provided by law (e.g. Chapters 718 and 720, Fla. Stats.), its protection from intervening interests and liens remains in effect until the judicial sale of the property, and the subsequent issuance of the instrument transferring title (typically the certificate of title) are final, thereby providing the purchaser of property at a judicial sale with a title that is free and clear of interests and liens created between the recording of the lis pendens and the instrument transferring title pursuant to the judicial sale in the action.

This understanding is consistent with the language of § 48.23(1)(d), Fla. Stat., which provides in part, as follows:

... [T]he recording of such notice of lis pendens ..., constitutes a bar to the enforcement against the property described in the notice of all interests and liens, ... unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien intervenes in such proceedings within 30 days after the recording of the notice. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and *if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens. ... (emphasis added).*

This provision of the lis pendens statute is the foundation for the following language found in Form 1.996(a) of the Florida Rules of Civil Procedure: "On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed."

Thousands of foreclosures are entered every year. The foreclosed real property is then sold at judicial sale and returned to productive use. Buyers, lenders and title insurers have acted on the understanding that any subordinate interest or lien joined in the action or created between the recording of the lis pendens and the instrument transferring title (typically a certificate of title) was foreclosed and barred from enforcement against the real property.

However, on August 24, 2016, the Fourth District Court of Appeal made a radical departure from common practice and held that the notice of lis pendens terminates when the time for appeal of the final judgment of foreclosure has passed. Thus, code enforcement liens, recorded after the final judgment of foreclosure and prior to the judicial sale were not discharged by the operation of the notice of lis pendens and remained an encumbrance on the real property foreclosed. *Ober v. Town of Lauderdale-by-the-Sea*, 2016 WL 4468134 (Fla. 4th DCA Aug. 24, 2016), *withdrawn*, *Ober v. Town of Lauderdale-by-the-Sea*, 218 So. 3d 952 (Fla. 4th DCA 2017).

The original *Ober* opinion characterized the contrary provisions of Form 1.996(a) as a "misstatement of the law" which should be modified to bring it into conformity with the statute and the prevailing practices in the courts. *Ober*, 2016 WL 4468134 at *2. In fact, the statute (as quoted above) and the prevailing practice is contrary to the interpretation of the original *Ober* opinion.

On January 25, 2017, the Fourth District Court of Appeal granted rehearing and held that liens placed on property between the entry of a final judgment of foreclosure and a judicial sale are discharged by Section 48.23(1)(d), Florida Statutes. *Ober*, 218 So. 3d at 954 (Fla. 4th DCA 2017).

The Court concluded that a proper reading of section 48.23(1)(d) when the proceeding is prosecuted to a judicial sale, the sale discharges all liens, whether recorded before the final judgment or after the final judgment. This conclusion is consistent with Form 1.996(a) of the Florida Rules of Civil Procedure which provides a form for foreclosure judgments which states, in pertinent part, the following:

On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property [...]

This ruling confirms that the effect of the lis pendens statute is a bar to enforcement against the property of all interest or liens, recorded or unrecorded, from the time of recording of the notice of lis pendens through the issuance of the certificate of sale, as a result of a judicial sale.

On February 7, 2017, the Town of Lauderdale-by-the-Sea filed a Motion for Certification of a question of great public importance to the Florida Supreme Court. On March 22, 2017, the District Court of Appeal granted the Town's motion and certified the following question to the Florida Supreme Court:

Whether, pursuant to section 48.23(1)(d), Florida Statutes, the filing of a notice of lis pendens at the commencement of a bank's foreclosure action prevents a local government from exercising authority granted to it by Chapter 162, Florida Statutes, to enforce code violations existing on the foreclosed property after final foreclosure judgment, where the local government's interest or lien on the property arises after final judgment and did not exist within 30 days after the recording of the notice of lis pendens.

On September 6, 2017, the Florida Supreme Court issued an order declining to exercise jurisdiction and denying the Town of Lauderdale-by-the-Sea's Petition for Review. Although the *Ober* case is now final, further clarification of the legislative intent as to the duration of a notice of lis pendens for proceedings involving a judicial sale is paramount. Even if the decision in *Ober* (on rehearing) were codified, title will still have to be examined to determine whether it is encumbered by interests or liens recorded between issuance of the certificate of sale and the recording of the instrument transferring title. In some instances, days, weeks, or months can pass between the issuance of the certificate of sale and the recording of the instrument transferring title. Litigation will then ensue to determine the validity of those interests or liens. There will also be a delay in returning foreclosed properties to the market and a burden on the overall economic recovery of the State of Florida, creating a greater burden on property owners, lenders, as well as counties, municipalities and homeowners' associations.

Effect of the Proposed Change

The proposed legislation will clarify the existing law to provide that the notice of lis pendens filed and recorded in a proceeding prosecuted to a judicial sale, remains in effect, not only until the issuance of the certificate of sale but until the instrument transferring title is recorded. This will codify the widely understood meaning of the current statute.

In *Madison at SoHo II Condo. Ass'n Inc. v. Devo Acquisition Ent., LLC.*, 198 So. 3d 1111 (Fla. 2d DCA 2016) the court notes:

Florida courts have 'the right and the duty' to consider the legislature's recently enacted statute clarifying its intent in a prior version of a statute, which was passed soon after a controversy arose in the interpretation of that original, pre-amended statute. *Id.* at 1116 (citations omitted).

When the Florida legislature clarifies a statute, the amended statute can be used as a tool of statutory construction to guide the interpretation of the pre-amended version of the statute. *Id.* Thus, the proposed legislation will avoid further litigation as to encumbrances which were recorded in the gap between the issuance of the certificate of sale and the recording of the instrument transferring title pursuant to a judicial sale. The potential cost of discharging encumbrances which were understood to have been previously discharged by the prosecution of the foreclosure through a judicial sale will also be avoided.

It is recognized that an argument may be made that the current statutory language limits the effectiveness of the notice of lis pendens only through the issuance of the certificate of sale. The current understanding and practice is to the contrary; that the protection of the notice of lis pendens for proceedings that require a judicial sale extends until the instrument transferring title is recorded.

III. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal does not have any fiscal impact on state government. In 2013, the Florida Supreme Court held that code enforcement liens are not entitled to super-priority status and, therefore, such liens are subject to be eliminated by a foreclosure action. *City of Palm Bay v. Wells Fargo Bank, N.A.*, 114 So. 3d 924 (Fla. 2013). The proposed clarification to §48.23(1)(d)1. is in concert with the *City of Palm Bay* holding and the current prevalent practice of barring the enforcement of liens recorded after the notice of lis pendens and prior to recording the instrument transferring title.

IV. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

The proposal will reconfirm for both potential purchasers at judicial sales and those that purchase directly from the foreclosing lender that the title received is clear of encumbrances recorded in the gap period. By eliminating the risk of liens recorded in the gap between the final judgment and recording of the instrument transferring title, the otherwise anticipated litigation will be avoided, saving lenders, purchasers and title insurers the expense of litigation. This will further preserve the marketability and value of foreclosed real properties, and the overall recovery of the Florida real estate market.

V. CONSTITUTIONAL ISSUES

The clarification of the lis pendens statute is a tool of statutory construction that can be used to guide the interpretation of the pre-amended version of the statute. It is not the retroactive application of an amended statute to existing litigation. Thus, it does not create constitutional concerns. *Madison at SoHo II Condo. Ass'n, Inc.*, 198 So. 3d at 1116-17.

VI. OTHER INTERESTED PARTIES

This proposal has been approved by the Real Property, Probate & Trust Law Section of The Florida Bar and The Florida Bar.

The *Ober* case captured the interest of several organizations. Concerned with the negative impact of the original *Ober* decision, the following organizations filed an Amicus Curiae Brief with the Fourth District Court of Appeal:

- The Florida Land Title Association ("FLTA")
- The Business Law Section of The Florida Bar ("BLS")
- The Florida Bankers Association ("FBA")
- The Real Property, Probate & Trust Law Section of The Florida Bar ("RPPTL")
- The American Legal and Financial Network ("ALFN")

In support of the original *Ober* decision, the following local governments and organizations filed an Amicus Curiae Brief with the Fourth District Court of Appeal:

- City of Coral Gables
- City of St. Petersburg
- City of Tampa
- The City, County and Local Government Section of The Florida Bar ("CCLG")

S:\Susan\docs\RPPTL\Legislative Support__2018 Legislative Support\Lis Pendens\Oct 2017 Post Ober Revisions\Lis Pendens White Paper post ober 10-10-17.docx

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 2/11/2019 4:32:26 PM

Ends: 2/11/2019 5:59:49 PM Length: 01:27:24

4:32:25 PM Meeting called to order by Chair Simmons
4:32:34 PM Roll call by Administrative Assistant Joyce Butler
4:32:37 PM Quorum present
4:32:57 PM Comments by Chair Simmons
4:33:27 PM Introduction of Tab 2, SB 462, Lis Pendens by Chair Simmons
4:34:03 PM Explanation of SB 462 by Senator Powell
4:34:20 PM Comments from Chair Simmons
4:34:30 PM Introduction of Amendment Bar Code No. 447100 by Chair Albritton
4:34:43 PM Explanation of Amendment Barcode No. 447100 by Senator Powell
4:35:20 PM Comments from Chair Simmons regarding Late-filed Amendment
4:35:33 PM Explanation of Late-filed Amendment by Senator Powell
4:36:00 PM Comments from Chair Simmons regarding dealing with Late-filed Amendment at next stop
4:36:25 PM Brittany Finkbeiner, Real Property, Probate & Trust Law Section of the Florida Bar waives in support
4:36:42 PM Speaker Brian Pitts, Justice-2-Jesus
4:38:17 PM Comments from Chair Simmons regarding Amendment
4:38:43 PM Closure by Senator Powell
4:38:59 PM Amendment Bar Code No. 447100 adopted
4:39:43 PM Speaker Brian Pitts, Justice-2-Jesus
4:41:44 PM Comments from Chair Simmons
4:42:06 PM Closure of Bill as amended by Senator Powell
4:42:16 PM Roll call on CS/SB 462 by AA Joyce Butler
4:42:36 PM CS/SB 462 reported favorably
4:42:51 PM Introduction of Tab 1 - SB 168 by Chair Simmons
4:43:04 PM Explanation of SB 168, Federal Immigration Enforcement by Senator Gruters
4:43:35 PM Comments from Chair Simmons
4:43:45 PM Question from Vice Chair Rodriguez
4:43:56 PM Response from Chair Simmons
4:44:25 PM Introduction of Substitute Amendment, Barcode No. 941354 by Chair Simmons
4:44:37 PM Objection to Substitute Amendment by Senator Gibson
4:44:59 PM Bill temporary postponed for five minutes
4:45:28 PM Recording Paused
4:45:46 PM Recording Resumed
4:52:56 PM Bill temporary postponed for five minutes
4:53:01 PM Comments from Chair Simmons regarding Substitute Amendment No. 246112
4:56:26 PM Informal recess
5:02:15 PM Recording Paused
5:06:47 PM Recording Resumed
5:06:50 PM Meeting back in session
5:06:59 PM Comments from Chair Simmons
5:07:51 PM Comments from Vice Chair Rodriguez

5:08:20 PM Explanation of Substitute Amendment No. 941354 by Senator Gruters
5:10:38 PM Comments from Chair Simmons regarding Substitute Amendment No. 941354
5:11:04 PM Question from Vice Chair Rodriguez
5:11:38 PM Response from Senator Gruters
5:12:49 PM Follow-up question from Vice Chair Rodriguez
5:13:28 PM Response from Senator Gruters
5:14:42 PM Follow-up question from Vice Chair Rodriguez
5:14:57 PM Response from Senator Gruters
5:15:08 PM Additional question from Vice Chair Rodriguez
5:15:17 PM Response from Senator Gruters
5:15:24 PM Additional question from Vice Chair Rodriguez
5:15:33 PM Response from Senator Gruters
5:15:56 PM Additional question from Vice Chair Rodriguez
5:16:05 PM Response from Senator Gruters
5:16:50 PM Additional question from Vice Chair Rodriguez
5:17:00 PM Response from Senator Gruters
5:17:37 PM Additional question from Vice Chair Rodriguez
5:17:47 PM Response from Senator Gruters
5:18:53 PM Additional question from Vice Chair Rodriguez
5:19:03 PM Response from Senator Gruters
5:19:29 PM Comments from Chair Simmons
5:21:09 PM Speaker David L. Jaroslav, Federation for American Immigration in support
5:21:50 PM Linda Moklowitz, NCJW waives in opposition
5:22:05 PM Stephanie Melendez waives in opposition
5:22:20 PM David Bennage waives in opposition
5:22:33 PM Karen Nelms waives in opposition
5:22:42 PM Karen Woodall waives in opposition
5:23:23 PM Speaker Margarita Romo
5:24:36 PM Comments from Chair Simmons
5:25:35 PM Comments from Ms. Romo
5:26:02 PM Comments from Chair Simmons
5:26:10 PM Comments from Ms. Romo
5:26:16 PM Comments from Vice Chair Rodriguez
5:26:35 PM Response from Chair Simmons
5:26:53 PM David Sleeth, Emgage, Legislative Director waives in opposition
5:27:09 PM Saffyyah Ameer waives in opposition
5:27:30 PM Speaker Selma Ameen, in opposition
5:29:04 PM Comments from Chair Simmons
5:29:15 PM Speaker Maria Jose Chapa in opposition
5:31:44 PM Maria Revelles waives in opposition
5:31:54 PM Christina D'Agostino waives in opposition
5:32:01 PM Larlissa Chanzas waives in opposition
5:32:10 PM Barbara DeVane waives in opposition
5:32:21 PM Annie Filkowski waives in opposition
5:32:27 PM Laura Hernandez waives in opposition
5:32:37 PM Speaker Nery Lopez in opposition
5:33:38 PM Rosie Richeson in opposition
5:33:46 PM Gerry Daherey waives in opposition
5:33:56 PM Speaker Bro. Matt Dailey in opposition
5:35:32 PM Ingrid Delgado waives in opposition
5:35:42 PM Speaker Juana Lozano
5:38:25 PM Speaker Sofia Lozano

5:39:47 PM Speaker Sandra Peneda
5:40:54 PM Speaker Rev. Andy Allen, St. Petersburg in opposition
5:42:05 PM Comments from Chair Simmons
5:43:05 PM Speaker Evan Oliver in opposition
5:44:01 PM Speaker Ida Eskamani in opposition
5:45:48 PM Speaker Ted Hutchinson in opposition
5:46:58 PM Speaker Liam Oliver in opposition
5:48:31 PM Speaker Thomas Kennedy, Political Director in opposition
5:50:14 PM Speaker Isabel Sousa in opposition
5:51:22 PM Speaker Maria Bilbao, North Miami Beach
5:52:34 PM Comments from Chair Simmons
5:52:44 PM Speaker Isabel Ruamo in opposition
5:54:38 PM Question from Senator Gibson
5:54:54 PM Response from Chair Simmons
5:55:39 PM Response from Senator Gruters regarding postponing until next meeting
5:56:31 PM Moved by Senator Gibson to postpone Bill
5:56:43 PM Question from Senator Hutson
5:56:48 PM Comments from Vice Chair Rodriguez
5:56:59 PM Comments from Chair Simmons
5:57:23 PM Motion to move Bill to next meeting
5:57:39 PM Comments from Chair Simmons
5:57:53 PM Comments from Senator Gibson
5:58:23 PM Comments from Chair Simmons
5:58:45 PM Comments from Vice Chair Rodriguez
5:59:16 PM Senator Gibson moves to adjourn, without objection meeting adjourned