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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/05/2011	.	
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The Committee on Judiciary (Joyner) recommended the following:

1 **Senate Amendment to Amendment (146138) (with title**
2 **amendment)**

3
4 Delete lines 144 - 230
5 and insert:

6 (a)1. The Department of Corrections may request from the
7 United States Department of Homeland Security approval to enter
8 into a memorandum of agreement to have employees or contractors
9 of the Department of Corrections trained by the Department of
10 Homeland Security as jail enforcement officers under s. 287(g) of
11 the federal Immigration and Nationality Act. The Department of
12 Corrections shall perform all actions reasonably necessary to
13 meet its obligations under the agreement.



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14 2. The Department of Corrections shall report by November
15 1, 2011, to the Governor, the President of the Senate, and the
16 Speaker of the House of Representatives on the status of
17 implementation of this paragraph. If the department has not
18 entered into a memorandum of agreement with the Department of
19 Homeland Security by that date, the department shall identify in
20 the report any barriers to full implementation of this
21 paragraph.

22 3. By February 1 of each year, the Department of
23 Corrections shall report to the Governor, the President of the
24 Senate, and the Speaker of the House of Representatives on the
25 enforcement activities conducted under this paragraph,
26 including, but not limited to, the number of inmates identified
27 as being unauthorized immigrants, placed in federal custody, or
28 deported.

29 (b)1. The Department of Law Enforcement may request from
30 the United States Department of Homeland Security approval to
31 enter into a memorandum of agreement to have employees of the
32 Department of Law Enforcement trained by the Department of
33 Homeland Security as task force officers under s. 287(g) of the
34 federal Immigration and Nationality Act. The Department of Law
35 Enforcement shall perform all actions reasonably necessary to
36 meet its obligations under the agreement.

37 2. By February 1 of each year, the Department of Law
38 Enforcement shall report to the Governor, the President of the
39 Senate, and the Speaker of the House of Representatives on the
40 enforcement activities conducted under this paragraph.

41 (c)1. The sheriff of each county may evaluate the
42 feasibility of entering into a memorandum of agreement with the



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43 United States Department of Homeland Security to have employees
44 of the sheriff trained by the Department of Homeland Security as
45 jail enforcement officers or task force officers under s.
46 287(g)of the federal Immigration and Nationality Act. The
47 Department of Law Enforcement, upon request by a sheriff, shall
48 share information on the department's agreement with the United
49 States Department of Homeland Security and experience in
50 operating under the agreement.

51 2. The sheriff shall consider, at a minimum:

52 a. The potential fiscal impact on the office of the
53 sheriff;

54 b. The potential impact on the workload and personnel needs
55 of the office; and

56 c. The estimated presence of unauthorized immigrants in the
57 geographic area served by the sheriff.

58 3. If the sheriff determines that entering into an
59 agreement is feasible, the sheriff may make an initial request
60 for an agreement to the Department of Homeland Security. This
61 paragraph does not compel the sheriff to execute an agreement.

62 (3) IDENTIFICATION UPON CONVICTION.—

63 (a) When a person is confined in a jail, prison, or other
64 criminal detention facility after a conviction for a dangerous
65 crime as listed in s. 907.041(4)(a), the agency with custody of
66 that person shall make a reasonable effort to determine the
67 nationality of the person and whether the person is present in
68 the United States lawfully, including but not limited to the
69 submission of fingerprints pursuant to the agreement under
70 paragraph (b). If the holding agency establishes, independent of
71 the submission of fingerprints, that the person is not lawfully



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72 present in the United States, the agency shall notify the United
73 States Department of Homeland Security.

74 (b) The arresting agency shall adopt rules as are
75 reasonably necessary and appropriate for, and not inconsistent
76 with, the proper administration and enforcement of the
77 provisions of this section, and may enter into an agreement with
78 Immigration and Customs Enforcement that is not inconsistent
79 with this section and is incident to carrying out its
80 provisions.

81 (c) This subsection may not be construed to deny a person
82 bond or to prevent release of a person from confinement if the
83 person is otherwise eligible for release. However, for the
84 purpose of the bail determination required by s. 903.046, a
85 determination that the person is not lawfully present in the
86 United States raises a rebuttable presumption that there is a
87 risk of flight to avoid prosecution.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 349 - 351

92 and insert:

93 prosecution; creating s. 945.80, F.S.; requiring the