

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Asencio offered the following:

**Amendment (with directory and title amendments)**

Between lines 506 and 507, insert:

908.403 Exception for DACA Beneficiary.—No provision of this chapter shall apply against any individual who is or was the beneficiary of the federal Deferred Action for Childhood Arrivals (DACA) policy. A beneficiary of the DACA policy shall be defined as any individual who, at any time since the program began in 2012, had approved status under the DACA program and did not lose their status as a result of unlawful or criminal conduct. The burden of proof shall be on the party attempting to

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13 enforce this chapter to demonstrate that the individual targeted  
14 is not and was not a beneficiary of the DACA policy.

15 908.404 Civil cause of action for unlawfully targeted DACA  
16 beneficiaries.—

17 (1) Any beneficiary of the DACA policy who suffered injury  
18 as a result of an attempt, whether successful or not, by any  
19 state entity, local government entity, or law enforcement  
20 agency, or their agents or employees, under color of law, to  
21 unlawfully apply provisions of this chapter against the DACA  
22 beneficiary may bring a civil cause of action pursuant to this  
23 section.

24 (2) Any DACA beneficiary who demonstrates by the greater  
25 weight of the evidence that they were injured is entitled to  
26 recover economic damages, noneconomic damages, and a civil  
27 penalty of \$10,000 for each attempt at unlawful enforcement of  
28 this chapter against them. Additionally, after making written  
29 findings of necessity, a court of competent jurisdiction may  
30 afford injunctive relief.

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

33 (4) Sovereign immunity is waived for suits brought  
34 pursuant to this section.

35 (5) Public funds may not be used to defend any state  
36 entity, local government entity, or law enforcement agency, or  
37 their officers, agents, or employees sued pursuant to this

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38 section, nor may public funds be used to reimburse such an  
39 entity or person. The defendant or defendants are authorized to  
40 petition the United States government for reimbursement of fees,  
41 costs, and penalties, and costs of compliance imposed pursuant  
42 this section.

43 (6) A final judgment entered in favor of a plaintiff in a  
44 cause of action brought pursuant to this section must include  
45 written findings of fact that describe with specificity the  
46 injury caused to the plaintiff and the unlawful course of  
47 conduct of the defendant or defendants. The court shall provide  
48 a copy of the final judgment containing written findings  
49 required by this subsection to the Governor within 30 days after  
50 rendition. A state or local government officer identified in the  
51 final judgment may be suspended or removed from office pursuant  
52 to general law and s. 7, Art. IV of the State Constitution.

53 (7) Reasonable attorney fees and costs may be awarded to a  
54 prevailing plaintiff.

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57 **D I R E C T O R Y A M E N D M E N T**

58 Remove line 54 and insert:

59 sections 908.101-908.404, is created to read:

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62 **T I T L E A M E N D M E N T**

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63           Remove line 45 and insert:  
64   providing for implementation; providing exceptions for  
65   beneficiaries of the federal Deferred Action for Childhood  
66   Arrivals (DACA) policy; specifying a burden of proof; providing  
67   civil cause of action for unlawfully targeted DACA beneficiaries  
68   providing for right to petition the federal government for  
69   certain expenses; removal from office; requiring repeal of

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