

1                                   A bill to be entitled  
 2           An act relating to nonenforcement of immigration  
 3           detainers and nonjudicial immigration warrants;  
 4           creating s. 901.015, F.S.; providing definitions;  
 5           prohibiting a law enforcement agency, a correctional  
 6           institution, and specified officers from complying  
 7           with an immigration detainer or a nonjudicial  
 8           immigration warrant; prohibiting such entities and  
 9           officers from engaging in certain acts based on an  
 10          individual's citizenship or immigration status;  
 11          providing immunity from liability; providing an  
 12          exception; providing applicability; providing  
 13          construction; requiring a correctional institution and  
 14          law enforcement agency to provide guidance and support  
 15          by a date certain for a specified purpose; providing  
 16          effective dates.

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

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 20           Section 1. Effective October 1, 2019, section 901.015,  
 21   Florida Statutes, is created to read:

22           901.015 Immigration detainers and nonjudicial immigration  
 23   warrants; detentions and arrests prohibited.—

24           (1) As used in this section, the term:

25           (a) "Correctional institution" has the same meaning as

26 provided in s. 944.241.

27 (b) "Correctional officer" has the same meaning as  
28 provided in s. 943.10.

29 (c) "Correctional probation officer" has the same meaning  
30 as provided in s. 943.10.

31 (d) "Department" means the United States Department of  
32 Homeland Security.

33 (e) "Federal warrant" means an order issued by a federal  
34 court authorizing a federal agency employee or a law enforcement  
35 agency, correctional institution, law enforcement officer,  
36 correctional officer, or correctional probation officer to  
37 arrest an individual or search his or her property. A federal  
38 warrant is issued when the individual is suspected of having  
39 committed a federal crime.

40 (f) "Immigration detainer" means a document issued by a  
41 federal immigration official to a law enforcement agency or  
42 correctional institution:

43 1. To notify the agency or institution that the department  
44 seeks custody of an individual presently in the custody of the  
45 agency or institution, for the purpose of arresting and removing  
46 the individual.

47 2. To request that the agency or institution help the  
48 department take the individual into custody by:

49 a. Holding the individual for up to 48 hours, excluding  
50 Saturdays, Sundays, and legal holidays, beyond the time the

51 agency or institution would have otherwise released the  
52 individual; or

53 b. Notifying the department in advance of the release of  
54 the individual in order for the department to take the  
55 individual into custody.

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57 The term includes a Form I-247, Immigration Detainer-Notice of  
58 Action, or any detainer issued under 8 U.S.C. s. 1226, 8 U.S.C.  
59 s. 1357, 8 C.F.R. s. 236.1, or 8 C.F.R. s. 287.7.

60 (g) "Law enforcement agency" has the same meaning as  
61 provided in s. 934.50.

62 (h) "Law enforcement officer" has the same meaning as  
63 provided in s. 943.10.

64 (i) "Nonjudicial immigration warrant" means a Form I-200,  
65 Warrant for Arrest of Alien; a Form I-205, Warrant of  
66 Removal/Deportation; a United States Immigration and Customs  
67 Enforcement (ICE) administrative warrant entered into the  
68 National Crime Information Center (NCIC) database; or any other  
69 immigration warrant or request that is not ordered by a court  
70 but is issued by the department, an office or agency of the  
71 department, or an employee of the department or of an office or  
72 agency of the department to direct a federal immigration  
73 official to arrest an individual.

74 (2) A law enforcement agency, correctional institution,  
75 law enforcement officer, correctional officer, or correctional

76 probation officer may not:

77 (a) Solely on the basis of an immigration detainer or a  
78 nonjudicial immigration warrant, detain or continue to detain an  
79 individual or notify the department in advance of the release of  
80 an individual; or

81 (b) Otherwise comply with an immigration detainer or a  
82 nonjudicial immigration warrant.

83 (3) A law enforcement agency, correctional institution,  
84 law enforcement officer, correctional officer, or correctional  
85 probation officer may not stop, arrest, search, detain, or  
86 continue to detain an individual solely on the basis of the  
87 individual's citizenship or immigration status.

88 (4) A law enforcement agency, correctional institution,  
89 law enforcement officer, correctional officer, or correctional  
90 probation officer acting in good faith pursuant to this section  
91 is immune from any civil or criminal liability, with the  
92 exception of willful or wanton misconduct.

93 (5) This section does not apply if a law enforcement  
94 agency, correctional institution, law enforcement officer,  
95 correctional officer, or correctional probation officer is  
96 presented with a federal warrant or a court order.

97 (6) Except as provided in subsection (2), this section  
98 does not prohibit communication between a federal agency and a  
99 law enforcement agency, correctional institution, law  
100 enforcement officer, correctional officer, or correctional

101 probation officer.

102       Section 2. By October 1, 2019, each law enforcement agency  
103 and correctional institution in this state must provide guidance  
104 and support to its law enforcement officers and its correctional  
105 and correctional probation officers, respectively, to assist  
106 them in complying with s. 901.015, Florida Statutes, as created  
107 by this act. As used in this section, the term "correctional  
108 institution" has the same meaning as provided in s. 944.241,  
109 Florida Statutes, and the term "law enforcement agency" has the  
110 same meaning as provided in s. 934.50, Florida Statutes.

111       Section 3. Except as otherwise provided by this act, this  
112 act shall take effect July 1, 2019.