



330876

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
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The Committee on Rules (Gruters) recommended the following:

**Senate Amendment**

Delete lines 49 - 116  
and insert:  
immigration law.

(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



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12 pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant  
13 described in paragraph (c). For purposes of this subsection, an  
14 immigration detainer is deemed facially sufficient if:

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

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

28 (c) The federal immigration agency supplies with its  
29 detention request a Form I-200 Warrant for Arrest of Alien or a  
30 Form I-205 Warrant of Removal/Deportation or a successor warrant  
31 or other warrant authorized by federal law.

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

34 (4) "Law enforcement agency" means an agency in this state  
35 charged with enforcement of state, county, municipal, or federal  
36 laws or with managing custody of detained persons in the state  
37 and includes municipal police departments, sheriff's offices,  
38 state police departments, state university and college police  
39 departments, county correctional agencies, and the Department of  
40 Corrections.



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41 (5) "Local governmental entity" means any county,  
42 municipality, or other political subdivision of this state.

43 (6) "Sanctuary policy" means a law, policy, practice,  
44 procedure, or custom adopted or permitted by a state entity,  
45 local governmental entity, or law enforcement agency which  
46 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly  
47 prohibits or impedes a law enforcement agency from communicating  
48 or cooperating with a federal immigration agency with respect to  
49 federal immigration enforcement, including, but not limited to,  
50 limiting a law enforcement agency in, or prohibiting such agency  
51 from:

52 (a) Complying with an immigration detainer;

53 (b) Complying with a request from a federal immigration  
54 agency to notify the agency before the release of an inmate or  
55 detainee in the custody of the law enforcement agency;

56 (c) Providing a federal immigration agency access to an  
57 inmate for interview;

58 (d) Participating in any program or agreement authorized  
59 under section 287 of the Immigration and Nationality Act, 8  
60 U.S.C. s. 1357; or

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

63 (7) "State entity" means the state or any office, board,  
64 bureau, commission, department, branch, division, or institution  
65 thereof, including institutions within the State University  
66 System and the Florida College System.