

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Joseph offered the following:

Amendment (with title amendment)

Remove lines 82-262 and insert:

charged with enforcement of state or federal laws or with
managing custody of detained persons in this state and includes
state police departments, state university and college police
departments, and the Department of Corrections.

(5) "Sanctuary policy" means a law, policy, practice,
procedure, or custom adopted or allowed by a state entity which
prohibits or impedes a law enforcement agency from complying
with 8 U.S.C. s. 1373 or which prohibits or impedes a law
enforcement agency from communicating or cooperating with a

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14 federal immigration agency so as to limit such law enforcement
15 agency in, or prohibit the agency from:

16 (a) Complying with an immigration detainer;

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

20 (c) Providing a federal immigration agency access to an
21 inmate for interview;

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

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

27 (6) "State entity" means the state or any office, board,
28 bureau, commission, department, branch, division, or institution
29 thereof, including institutions within the State University
30 System and the Florida College System. The term does not include
31 the Department of Children and Families or the employees of the
32 department.

33 908.103 Sanctuary policies prohibited.—A state entity or
34 law enforcement agency may not adopt or have in effect a
35 sanctuary policy.

36 908.104 Cooperation with federal immigration authorities.—

37 (1) A law enforcement agency shall use best efforts to
38 support the enforcement of federal immigration law. This

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39 subsection applies to an official, representative, agent, or
40 employee of the entity or agency only when he or she is acting
41 within the scope of his or her official duties or within the
42 scope of his or her employment.

43 (2) Except as otherwise expressly prohibited by federal
44 law, a state entity or law enforcement agency, or an employee,
45 an agent, or a representative of the entity or agency, may not
46 prohibit or in any way restrict a law enforcement agency from
47 taking any of the following actions with respect to information
48 regarding a person's immigration status:

49 (a) Sending the information to or requesting, receiving,
50 or reviewing the information from a federal immigration agency
51 for purposes of this chapter.

52 (b) Recording and maintaining the information for purposes
53 of this chapter.

54 (c) Exchanging the information with a federal immigration
55 agency or another state entity or law enforcement agency for
56 purposes of this chapter.

57 (d) Using the information to comply with an immigration
58 detainer.

59 (e) Using the information to confirm the identity of a
60 person who is detained by a law enforcement agency.

61 (3) (a) For purposes of this subsection, the term
62 "applicable criminal case" means a criminal case in which:

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

65 2. The judge:

66 a. Indicates in the record under s. 908.105 that the
67 defendant is subject to an immigration detainer; or

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

70 (b) In an applicable criminal case, when the judge
71 sentences a defendant who is the subject of an immigration
72 detainer to confinement, the judge shall issue an order
73 requiring the secure correctional facility in which the
74 defendant is to be confined to reduce the defendant's sentence
75 by a period of not more than 12 days on the facility's
76 determination that the reduction in sentence will facilitate the
77 seamless transfer of the defendant into federal custody. For
78 purposes of this paragraph, the term "secure correctional
79 facility" means a state correctional institution as defined in
80 s. 944.02.

81 (c) If the information specified in sub-subparagraph
82 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
83 the sentence is pronounced in the case, but is received by a law
84 enforcement agency afterwards, the law enforcement agency shall
85 notify the judge who shall issue the order described by
86 paragraph (b) as soon as the information becomes available.

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87 (4) When the Department of Corrections receives
88 verification from a federal immigration agency that a person
89 subject to an immigration detainer is in the law enforcement
90 agency's custody, the agency may securely transport the person
91 to a federal facility in this state or to another point of
92 transfer to federal custody outside the jurisdiction of the law
93 enforcement agency. The law enforcement agency may transfer a
94 person who is subject to an immigration detainer and is confined
95 in a secure correctional facility to the custody of a federal
96 immigration agency not earlier than 12 days before his or her
97 release date. A law enforcement agency shall obtain judicial
98 authorization before securely transporting an alien to a point
99 of transfer outside of this state.

100 (5) This section does not require a state entity or law
101 enforcement agency to provide a federal immigration agency with
102 information related to a victim of or a witness to a criminal
103 offense if the victim or witness timely and in good faith
104 responds to the entity's or agency's request for information and
105 cooperation in the investigation or prosecution of the offense.

106 (6) A state entity or law enforcement agency that,
107 pursuant to subsection (5), withholds information regarding the
108 immigration information of a victim of or witness to a criminal
109 offense shall document the victim's or witness's cooperation in
110 the entity's or agency's investigative records related to the
111 offense and shall retain the records for at least 10 years for

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112 the purpose of audit, verification, or inspection by the Auditor
113 General.

114 (7) This section does not authorize a law enforcement
115 agency to detain an alien unlawfully present in the United
116 States pursuant to an immigration detainer solely because the
117 alien witnessed or reported a crime or was a victim of a
118 criminal offense.

119 (8) This section does not apply to any alien unlawfully
120 present in the United States if he or she is or has been a
121 necessary witness or victim of a crime of domestic violence,
122 rape, sexual exploitation, sexual assault, murder, manslaughter,
123 assault, battery, human trafficking, kidnapping, false
124 imprisonment, involuntary servitude, fraud in foreign labor
125 contracting, blackmail, extortion, or witness tampering.

126 908.105 Duties related to immigration detainers.-

127 (1) A law enforcement agency that has custody of a person
128 subject to an immigration detainer issued by a federal
129 immigration agency shall:

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

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

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135 (c) Upon determining that the immigration detainer is in
136 accordance with s. 908.102(2), comply with the requests made in
137 the immigration detainer.

138 (2) A law enforcement agency is not required to perform a
139 duty imposed by paragraph (1)(a) or paragraph (1)(b) with
140 respect to a person who is transferred to the custody of the
141 agency by another law enforcement agency if the transferring
142 agency performed that duty before the transfer.

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

147 908.107 Enforcement.—Any executive or administrative state
148 officer who violates his or her duties under this chapter may be
149 subject to action by the Governor in the exercise of his or her
150 authority under the State Constitution and state law. Pursuant
151 to s. 1(b), Art. IV of the State Constitution, the Governor may
152 initiate judicial proceedings in the name of the state against
153 such officers to enforce compliance with any duty under this
154 chapter or restrain any unauthorized act contrary to this
155 chapter. An order approving a consent decree or granting an

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

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160 Remove lines 7-29 and insert:
161 entities and law enforcement agencies to use best efforts to
162 support the enforcement of federal immigration law; prohibiting
163 restrictions by the entities and agencies on taking certain
164 actions with respect to information regarding a person's
165 immigration status; providing requirements concerning certain
166 criminal defendants subject to immigration detainers or
167 otherwise subject to transfer to federal custody; authorizing a
168 law enforcement agency to transport an alien unlawfully present
169 in the United States under certain circumstances; providing an
170 exception to reporting requirements for crime victims or
171 witnesses; requiring recordkeeping relating to crime victim and
172 witness cooperation in certain investigations; providing
173 applicability; specifying duties concerning immigration
174 detainers; providing for enforcement; providing for
175 applicability to

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