

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Joseph offered the following:

2  
3 **Substitute Amendment for Amendment (737515) (with title**  
4 **amendment)**

5 Remove lines 91-436 and insert:

6 (4) "Sanctuary policy" means a law, policy, practice,  
7 procedure, or custom adopted or permitted by a state entity or  
8 law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or  
9 (b) or which knowingly prohibits or impedes a law enforcement  
10 agency from communicating or cooperating with a federal  
11 immigration agency with respect to federal immigration  
12 enforcement, including, but not limited to, limiting a law  
13 enforcement agency in, or prohibiting such agency from:

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14 (a) Complying with an immigration detainer;

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

18 (c) Providing a federal immigration agency access to an  
19 inmate for interview;

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

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

25 (5) "Sanctuary policymaker" means a state elected official  
26 or an appointed official of a state entity governing body who  
27 has voted for, allowed to be implemented, or voted against  
28 repeal or prohibition of a sanctuary policy, or who willfully  
29 engages in a pattern of noncooperation with a federal  
30 immigration agency.

31 (6) "State entity" means the state or any office, board,  
32 bureau, commission, department, branch, division, or institution  
33 thereof, including institutions within the State University  
34 System and the Florida College System. The term includes a  
35 person holding public office or having official duties as a  
36 representative, agent, or employee of the entity.

37 PART II

38 DUTIES

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39 908.201 Sanctuary policies prohibited.—A state entity or  
40 law enforcement agency may not adopt or have in effect a  
41 sanctuary policy.

42 PART III

43 ENFORCEMENT

44 908.301 Complaints.—The Attorney General shall prescribe  
45 and provide through the Department of Legal Affairs' website the  
46 format for a person to submit a complaint alleging a violation  
47 of this chapter. This section does not prohibit the filing of an  
48 anonymous complaint or a complaint not submitted in the  
49 prescribed format. Any person has standing to submit a complaint  
50 under this chapter.

51 908.302 Enforcement; penalties.—

52 (1) The state attorney for the county in which a state  
53 entity is headquartered or law enforcement agency is located has  
54 primary responsibility and authority for investigating credible  
55 complaints of a violation of this chapter. The results of an  
56 investigation by a state attorney shall be provided to the  
57 Attorney General in a timely manner.

58 (2) The Attorney General, the state attorney who conducted  
59 the investigation, or a state attorney ordered by the Governor  
60 pursuant to s. 27.14 may institute proceedings in circuit court  
61 to enjoin a state entity or law enforcement agency found to be  
62 in violation of this chapter. Venue of an action brought by the  
63 Attorney General may be in Leon County. The court shall expedite

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64 an action under this section, including setting a hearing at the  
65 earliest practicable date.

66 (3) Upon adjudication by the court or as provided in a  
67 consent decree declaring that a state entity or law enforcement  
68 agency has violated this chapter, the court shall enjoin the  
69 unlawful sanctuary policy and order that such entity or agency  
70 pay a civil penalty to the state of at least \$1,000 but not more  
71 than \$5,000 for each day that the sanctuary policy was in effect  
72 commencing on October 1, 2019, or the date the sanctuary policy  
73 was first enacted, whichever is later, until the date the  
74 injunction was granted. The court shall have continuing  
75 jurisdiction over the parties and subject matter and may enforce  
76 its orders with imposition of additional civil penalties as  
77 provided for in this section and contempt proceedings as  
78 provided by law.

79 (4) An order approving a consent decree or granting an  
80 injunction or civil penalties pursuant to subsection (3) must  
81 include written findings of fact that describe with specificity  
82 the existence and nature of the sanctuary policy in violation of  
83 s. 908.201 and that identify each sanctuary policymaker who  
84 voted for, allowed to be implemented, or voted against repeal or  
85 prohibition of the sanctuary policy. The court shall provide a  
86 copy of the consent decree or order granting an injunction or  
87 civil penalties that contains the written findings required by  
88 this subsection to the Governor within 30 days after the date of

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89 rendition. A sanctuary policymaker identified in an order  
90 approving a consent decree or granting an injunction or civil  
91 penalties may be suspended or removed from office pursuant to  
92 general law and s. 7, Art. IV of the State Constitution.

93 (6) A state entity or law enforcement agency ordered to  
94 pay a civil penalty pursuant to subsection (3) shall remit  
95 payment to the Chief Financial Officer, who shall deposit such  
96 payment into the General Revenue Fund.

97 (7) Except as required by law, public funds may not be  
98 used to defend or reimburse a sanctuary policymaker or an  
99 official, representative, agent, or employee of a state entity  
100 or law enforcement agency who knowingly and willfully violates  
101 this chapter.

102 908.304 Ineligibility for state grant funding.-

103 (1) Notwithstanding any other provision of law, a state  
104 entity or law enforcement agency shall be ineligible to receive  
105 funding from non-federal grant programs administered by state  
106 agencies that receive funding from the General Appropriations  
107 Act for a period of 5 years from the date of adjudication that  
108 such state entity or law enforcement agency had in effect a  
109 sanctuary policy in violation of this chapter.

110 (2) The Chief Financial Officer shall be notified by the  
111 state attorney of an adjudicated violation of this chapter by a  
112 state entity or law enforcement agency and be provided with a  
113 copy of the final court injunction, order, or judgment. Upon

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114 receiving such notice, the Chief Financial Officer shall timely  
115 inform all state agencies that administer non-federal grant  
116 funding of the adjudicated violation by the state entity or law  
117 enforcement agency and direct such agencies to cancel all  
118 pending grant applications and enforce the ineligibility of such  
119 entity for the prescribed period.

120 (3) This subsection does not apply to:

121 (a) Funding that is received as a result of an  
122 appropriation to a specifically named state entity or law  
123 enforcement agency in the General Appropriations Act or other  
124 law.

125 (b) Grants awarded before the date of adjudication that  
126 such state entity or law enforcement agency had in effect a  
127 sanctuary policy in violation of this chapter.

128 PART IV

129 MISCELLANEOUS

130 908.401 Education records.—This chapter does not apply to  
131 the release of information contained in education records of an  
132 educational agency or institution, except in conformity with the  
133 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.  
134 1232g.

135 908.402 Discrimination prohibited.—A state entity or a law  
136 enforcement agency, or a person employed by or otherwise under  
137 the direction or control of such an entity, may not base its  
138 actions under this chapter on the gender, race, religion,

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139 national origin, or physical disability of a person except to  
140 the extent permitted by the United States Constitution or the  
141 state constitution.

142 Section 3. A sanctuary policy, as defined in s. 908.102,  
143 Florida Statutes, as created by this act, that is in effect on  
144 the effective date of this act must be repealed within 90 days  
145 after that date.

146 Section 4. Section 908.302, Florida Statutes,  
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150 **T I T L E A M E N D M E N T**

151 Remove lines 6-33 and insert:  
152 prohibiting sanctuary policies; requiring the Attorney General  
153 to prescribe the format for submitting complaints; providing  
154 requirements for entities to comply with document requests from  
155 state attorneys concerning violations; providing for  
156 investigation of possible violations; providing for injunctive  
157 relief and civil penalties; providing for venue; requiring  
158 written findings; prohibiting the expenditure of public funds  
159 for specified purposes; providing for

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