

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Byrd offered the following:

2  
3 **Amendment**

4 Remove lines 61-202 and insert:

5 immigration law.

6 (2) "Immigration detainer" means a facially sufficient  
7 written or electronic request issued by a federal immigration  
8 agency using that agency's official form to request that another  
9 law enforcement agency detain a person based on probable cause  
10 to believe that the person to be detained is a removable alien  
11 under federal immigration law, including detainers issued  
12 pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant  
13 described in this subsection. For purposes of this subsection,

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14 an immigration detainer is deemed facially sufficient if the  
15 federal immigration agency supplies with its detention request a  
16 Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant  
17 of Removal/Deportation or a successor warrant or other warrant  
18 authorized by federal law and:

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

23 (b) The federal immigration agency's official form is  
24 incomplete and fails to indicate on its face that the federal  
25 immigration official has probable cause to believe that the  
26 person to be detained is a removable alien under federal  
27 immigration law, but is supported by an affidavit, order, or  
28 other official documentation that indicates that the federal  
29 immigration agency has probable cause to believe that the person  
30 to be detained is a removable alien under federal immigration  
31 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

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39 departments, county correctional agencies, and the Department of  
40 Corrections.

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 s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.  
60 1357; or

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

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63 (7) "Sanctuary policymaker" means a state or local elected  
64 official or an appointed official of a local governmental entity  
65 governing body who has voted for, allowed to be implemented, or  
66 voted against repeal or prohibition of a sanctuary policy, or  
67 who willfully engages in a pattern of noncooperation with a  
68 federal immigration agency.

69 (8) "State entity" means the state or any office, board,  
70 bureau, commission, department, branch, division, or institution  
71 thereof, including institutions within the State University  
72 System and the Florida College System.

73 PART II

74 DUTIES

75 908.201 Sanctuary policies prohibited.—A state entity, law  
76 enforcement agency, or local governmental entity may not adopt  
77 or have in effect a sanctuary policy.

78 908.202 Cooperation with federal immigration authorities.—

79 (1) A law enforcement agency shall use best efforts to  
80 support the enforcement of federal immigration law. This  
81 subsection applies to an official, representative, agent, or  
82 employee of the entity or agency only when he or she is acting  
83 within the scope of his or her official duties or within the  
84 scope of his or her employment.

85 (2) Except as otherwise expressly prohibited by federal  
86 law, a state entity, local governmental entity, or law  
87 enforcement agency, or an employee, an agent, or a

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88 representative of the entity or agency, may not prohibit or in  
89 any way restrict a law enforcement agency from taking any of the  
90 following actions with respect to information regarding a  
91 person's immigration status:

92 (a) Sending the information to or requesting, receiving,  
93 or reviewing the information from a federal immigration agency  
94 for purposes of this chapter.

95 (b) Recording and maintaining the information for purposes  
96 of this chapter.

97 (c) Exchanging the information with a federal immigration  
98 agency or another state entity, local governmental entity, or  
99 law enforcement agency for purposes of this chapter.

100 (d) Using the information to comply with an immigration  
101 detainer.

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

104 (3) (a) For purposes of this subsection the term  
105 "applicable criminal case" means a criminal case in which:

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

108 2. The judge:

109 a. Indicates in the record under s. 908.203 that the  
110 defendant is subject to an immigration detainer; or

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

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113        (b) In an applicable criminal case, when the judge  
114 sentences a defendant who is the subject of an immigration  
115 detainer to confinement, the judge shall issue an order  
116 requiring the secure correctional facility in which the  
117 defendant is to be confined to reduce the defendant's sentence  
118 by a period of not more than 12 days on the facility's  
119 determination that the reduction in sentence will facilitate the  
120 seamless transfer of the defendant into federal custody. For  
121 purposes of this paragraph, the term "secure correctional  
122 facility" means a state correctional institution as defined in  
123 s. 944.02 or a county detention facility or a municipal  
124 detention facility as defined in s. 951.23.

125        (c) If the information specified in sub-subparagraph  
126 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time  
127 the sentence is pronounced in the case, but is received by a law  
128 enforcement agency afterwards, the law enforcement agency shall  
129 notify the judge who shall issue the order described by  
130 paragraph (b) as soon as the information becomes available.

131        (4) When a county correctional facility or the Department  
132 of Corrections receives verification from a federal immigration  
133 agency that a person subject to an immigration detainer is in  
134 the law enforcement agency's custody, the agency may securely  
135 transport the person to a federal facility in this state or to  
136 another point of transfer to federal custody outside the  
137 jurisdiction of the law enforcement agency. The law enforcement

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138 agency may transfer a person who is subject to an immigration  
139 detainer and is confined in a secure correctional facility to  
140 the custody of a federal immigration agency not earlier than 12  
141 days before his or her release date. A law enforcement agency  
142 shall obtain judicial

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