

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Byrd offered the following:

Amendment

Remove lines 282-335 and insert:

3. Any executive or administrative state, county, or municipal officer who violates his duties under this chapter may be subject to actions taken by the Governor in exercise of his authority under the State Constitution and Florida law. As provided in s. 1(b), Art. IV, of the State Constitution, the Governor may, in his discretion, initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

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14 4. In addition, the state attorney or Attorney General may
15 file suit against any local government entity or law enforcement
16 agency for declaratory and injunctive relief caused by a
17 violation of this chapter.

18 (c) No later than the 30th day after the day a state
19 entity or local governmental entity receives written
20 notification under paragraph (b), the state entity or local
21 governmental entity shall provide the state attorney with a copy
22 of:

23 1. The entity's written policies and procedures with
24 respect to federal immigration agency enforcement actions,
25 including the entity's policies and procedures with respect to
26 immigration detainers.

27 2. Each immigration detainer received by the entity from a
28 federal immigration agency in the current calendar year-to-date
29 and the two prior calendar years.

30 3. Each response sent by the entity for an immigration
31 detainer described by subparagraph 2.

32 (3) As provided in s. 1(b), Art. IV, of the State
33 Constitution, the Governor may, in his discretion, initiate
34 judicial proceedings in the name of the state against such
35 officers to enforce compliance with any duty under this chapter
36 or restrain any unauthorized act contrary to this chapter. The
37 Attorney General, the state attorney who conducted the
38 investigation, or a state attorney ordered by the Governor

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39 pursuant to s. 27.14 may institute proceedings in circuit court
40 to enjoin a state entity, local governmental entity, or law
41 enforcement agency found to be in violation of this chapter.
42 Venue of an action brought by the Attorney General may be in
43 Leon County. The court shall expedite an action under this
44 section, including setting a hearing at the earliest practicable
45 date.

46 (4) Upon adjudication by the court or as provided in a
47 consent decree declaring that an officer, state entity, local
48 governmental entity, or law enforcement agency has violated this
49 chapter, the court shall enjoin the unlawful sanctuary policy
50 and order that such entity or agency pay a civil penalty to the
51 state of at least \$1,000 but not more than \$5,000 for each day
52 that the sanctuary policy was in effect commencing on October 1,
53 2019, or the date the sanctuary policy was first enacted,
54 whichever is later, until the date the injunction was granted.
55 The court shall have continuing jurisdiction over the parties
56 and subject matter and may enforce its orders with imposition of
57 additional civil penalties as provided for in this section and
58 contempt proceedings as provided by law.

59 (5) An order approving a consent decree or granting an
60 injunction or civil penalties pursuant to subsection (4) must
61 include written findings of fact that describe with specificity
62 the existence and nature of the sanctuary policy in violation of
63 s. 908.201 and that identify each sanctuary policymaker who

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64 voted for, allowed to be implemented, or voted against repeal or
65 prohibition of the sanctuary policy. The court shall provide a
66 copy of the consent decree or order granting an injunction or
67 civil penalties that contains the written findings required by
68 this subsection to the Governor within 30 days after the date of
69 rendition. Any executive or administrative state, county, or
70 municipal officer who violates his duties under this chapter may
71 be subject to actions taken by the Governor in exercise of his
72 authority under the State Constitution and Florida law.

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