

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Joseph offered the following:

Amendment to Amendment (737515) (with title amendment)

Remove lines 5-319 of the amendment and insert:

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

(a) Complying with an immigration detainer;

757203

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Amendment No.

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

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

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

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

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

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

36 PART II

37 DUTIES

757203

Approved For Filing: 4/19/2019 6:44:18 PM

Amendment No.

38 908.201 Sanctuary policies prohibited.—A state entity or
39 law enforcement agency may not adopt or have in effect a
40 sanctuary policy.

41 PART III

42 ENFORCEMENT

43 908.301 Complaints.—The Attorney General shall prescribe
44 and provide through the Department of Legal Affairs' website the
45 format for a person to submit a complaint alleging a violation
46 of this chapter. This section does not prohibit the filing of an
47 anonymous complaint or a complaint not submitted in the
48 prescribed format. Any person has standing to submit a complaint
49 under this chapter.

50 908.302 Enforcement; penalties.—

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

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

757203

Approved For Filing: 4/19/2019 6:44:18 PM

Amendment No.

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

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

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

757203

Approved For Filing: 4/19/2019 6:44:18 PM

Amendment No.

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

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

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

101 908.304 Ineligibility for state grant funding.-

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

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

757203

Approved For Filing: 4/19/2019 6:44:18 PM

Amendment No.

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

119 (3) This subsection does not apply to:

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

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

127 PART IV

128 MISCELLANEOUS

129 908.401 Education records.—This chapter does not apply to
130 the release of information contained in education records of an
131 educational agency or institution, except in conformity with the
132 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
133 1232g.

134 908.402 Discrimination prohibited.—A state entity or a law
135 enforcement agency, or a person employed by or otherwise under
136 the direction or control of such an entity, may not base its
137 actions under this chapter on the gender, race, religion,

757203

Approved For Filing: 4/19/2019 6:44:18 PM

Amendment No.

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

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

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

148 Remove lines 325-326 of the amendment and insert:
149 prohibiting sanctuary policies; prohibiting sanctuary
150 policies; requiring the Attorney General to prescribe
151 the format for submitting complaints; providing
152 requirements for entities to comply with document
153 requests from state attorneys concerning violations;
154 providing for investigation of possible violations;
155 providing for injunctive relief and civil penalties;
156 providing for venue; requiring written findings;
157 prohibiting the expenditure of public funds for
158 specified purposes; providing for

757203

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