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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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The Committee on Appropriations (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 908.102, Florida
Statutes, is amended to read:

908.102 Definitions.—As used in this chapter, the term:

(6) "Sanctuary policy" means a law, policy, practice,
procedure, or custom adopted or allowed by a state entity or
local governmental entity which prohibits or impedes a law



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11 enforcement agency from complying with 8 U.S.C. s. 1373 or which
12 prohibits or impedes a law enforcement agency from communicating
13 or cooperating with a federal immigration agency so as to limit
14 such law enforcement agency in, or prohibit the agency from:

15 (a) Complying with an immigration detainer;

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

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

21 (d) Participating in any program or agreement authorized
22 under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.
23 1357 as required by s. 908.11; or

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

26 (f) Providing information to a state entity on the
27 immigration status of an inmate or detainee in the custody of
28 the law enforcement agency.

29 Section 2. Section 908.11, Florida Statutes, is created to
30 read:

31 908.11 Immigration enforcement assistance agreements;
32 reporting requirement.-

33 (1) By January 1, 2023, each law enforcement agency
34 operating a county detention facility must enter into a written
35 agreement with the United States Immigration and Customs
36 Enforcement to participate in the immigration program
37 established under s. 287(g) of the Immigration and Nationality
38 Act, 8 U.S.C. s. 1357. This subsection does not require a law
39 enforcement agency to participate in a particular program model.



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40 (2) Beginning no later than October 1, 2022, and until the
41 law enforcement agency enters into the written agreement
42 required under subsection (1), each law enforcement agency
43 operating a county detention facility must notify the Department
44 of Law Enforcement quarterly of the status of such written
45 agreement and any reason for noncompliance with this section, if
46 applicable.

47 Section 3. Section 908.111, Florida Statutes, is created to
48 read:

49 908.111 Prohibition against governmental entity contracts
50 with common carriers; required termination provisions.-

51 (1) As used in this section, the term:

52 (a) "Common carrier" means a person, firm, or corporation
53 that undertakes for hire, as a regular business, to transport
54 persons or commodities from place to place, offering his or her
55 services to all such as may choose to employ the common carrier
56 and pay his or her charges.

57 (b) "Contract" means a contract that is subject to the
58 competitive procurement requirements of the contracting
59 governmental entity or a contract for an amount or duration
60 requiring it to include written provisions under the procurement
61 requirements of the governmental entity.

62 (c) "Governmental entity" means an agency of the state, a
63 regional or local government created by the State Constitution
64 or by a general or special act, a county or municipality, or any
65 other entity that independently exercises governmental
66 authority.

67 (d) "Unauthorized alien" means a person who is unlawfully
68 present in the United States according to the terms of the



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69 federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et
70 seq. The term shall be interpreted consistently with any
71 applicable federal statutes, rules, or regulations.

72 (2) A governmental entity may not execute, amend, or renew
73 a contract with a common carrier or contracted carrier if the
74 carrier is willfully providing any service in furtherance of
75 transporting a person into the State of Florida knowing that the
76 person is an unauthorized alien, except to facilitate the
77 detention, removal, or departure of the person from this state
78 or the United States.

79 (3) A contract between a governmental entity and a common
80 carrier or contracted carrier which is executed, amended, or
81 renewed on or after October 1, 2022, including a grant agreement
82 or economic incentive program payment agreement, must include:

83 (a) An attestation by the common carrier or contracted
84 carrier, in conformity with s. 92.525, that the common carrier
85 or contracted carrier is not willfully providing and will not
86 willfully provide any service during the contract term in
87 furtherance of transporting a person into this state knowing
88 that the person is an unauthorized alien, except to facilitate
89 the detention, removal, or departure of the person from this
90 state or the United States. A governmental entity is deemed to
91 be in compliance with subsection (2) upon receipt of the common
92 carrier's attestation; and

93 (b) A provision for termination for cause of the contract,
94 grant agreement, or economic incentive program payment agreement
95 if a common carrier or contracted carrier is found in violation
96 of its attestation.

97 (4) The Department of Management Services shall develop by



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98 rule a common carrier and contracted carrier attestation form no
99 later than August 30, 2022.

100 Section 4. This act shall take effect upon becoming a law.

101
102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete everything before the enacting clause
105 and insert:

106 A bill to be entitled

107 An act relating to immigration enforcement; amending
108 s. 908.102, F.S.; revising the definition of the term
109 "sanctuary policy" to include specified laws,
110 policies, practices, procedures, or customs that limit
111 or prohibit a law enforcement agency from providing
112 specified immigration information to a state entity;
113 creating s. 908.11, F.S.; requiring each law
114 enforcement agency operating a county detention
115 facility to enter into a specified agreement with the
116 United States Immigration and Customs Enforcement to
117 assist with immigration enforcement; requiring such
118 agency to report specified information concerning such
119 agreement quarterly to the Department of Law
120 Enforcement; creating s. 908.111, F.S.; providing
121 definitions; prohibiting a governmental entity from
122 executing, amending, or renewing a contract with
123 common carriers or contracted carriers under certain
124 circumstances; requiring specified governmental entity
125 contracts with common carriers or contracted carriers
126 to include specified provisions on or after a certain



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127 date; requiring the Department of Management Services
128 to develop a specified form; providing an effective
129 date.