

By Senator Bean

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1 A bill to be entitled
2 An act relating to immigration enforcement; amending
3 s. 908.102, F.S.; revising the definition of the term
4 "sanctuary policy" to include specified laws,
5 policies, practices, procedures, or customs that limit
6 or prohibit a law enforcement agency from providing
7 specified immigration information to a state entity;
8 creating s. 908.11, F.S.; requiring each law
9 enforcement agency operating a county detention
10 facility to enter into a specified agreement with the
11 United States Immigration and Customs Enforcement to
12 assist with immigration enforcement; requiring such
13 agency to report specified information concerning such
14 agreement quarterly to the Department of Law
15 Enforcement; creating s. 908.111, F.S.; providing
16 definitions; prohibiting a governmental entity from
17 executing, amending, or renewing a contract with
18 common carriers under certain circumstances; requiring
19 specified governmental entity contracts with common
20 carriers to include specified provisions on or after a
21 certain date; requiring the Department of Management
22 Services to develop a specified form; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (6) of section 908.102, Florida
28 Statutes, is amended to read:

29 908.102 Definitions.—As used in this chapter, the term:

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30 (6) "Sanctuary policy" means a law, policy, practice,
31 procedure, or custom adopted or allowed by a state entity or
32 local governmental entity which prohibits or impedes a law
33 enforcement agency from complying with 8 U.S.C. s. 1373 or which
34 prohibits or impedes a law enforcement agency from communicating
35 or cooperating with a federal immigration agency so as to limit
36 such law enforcement agency in, or prohibit the agency from:

37 (a) Complying with an immigration detainer;

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

41 (c) Providing a federal immigration agency access to an
42 inmate for interview;

43 (d) Participating in any program or agreement authorized
44 under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.
45 1357 as required by s. 908.11; ~~or~~

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

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

51 Section 2. Section 908.11, Florida Statutes, is created to
52 read:

53 908.11 Immigration enforcement assistance agreements;
54 reporting requirement.—

55 (1) By January 1, 2023, each law enforcement agency
56 operating a county detention facility must enter into a written
57 agreement with the United States Immigration and Customs
58 Enforcement to participate in the immigration program

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59 established under s. 287(g) of the Immigration and Nationality
60 Act, 8 U.S.C. s. 1357. This subsection does not require a law
61 enforcement agency to participate in a particular program model.

62 (2) Beginning no later than October 1, 2022, and until the
63 law enforcement agency enters into the written agreement
64 required under subsection (1), each law enforcement agency
65 operating a county detention facility must notify the Department
66 of Law Enforcement quarterly of the status of such written
67 agreement and any reason for noncompliance with this section, if
68 applicable.

69 Section 3. Section 908.111, Florida Statutes, is created to
70 read:

71 908.111 Prohibition against governmental entity contracts
72 with common carriers; required termination provisions.-

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

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

79 (b) "Governmental entity" means an agency of the state, a
80 regional or a local government created by the State Constitution
81 or by general or special act, a county or municipality, or any
82 other entity that independently exercises governmental
83 authority.

84 (c) "Unauthorized alien" means a person who is not
85 authorized under federal law to be employed in the United
86 States, as described in 8 U.S.C. s. 1324a(h) (3). The term shall
87 be interpreted consistently with that section and any applicable

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88 federal rules or regulations.

89 (2) A governmental entity may not execute, amend, or renew
90 a contract with a common carrier if the carrier is willfully
91 providing any service in furtherance of transporting an
92 unauthorized alien into the State of Florida knowing that the
93 unauthorized alien entered into or remains in the United States
94 in violation of law.

95 (3) A contract between a governmental entity and a common
96 carrier which is executed, amended, or renewed on or after
97 October 1, 2022, including a grant agreement or economic
98 incentive program payment agreement, must include:

99 (a) An attestation by the common carrier, verified as
100 provided in s. 92.525, that the common carrier is not willfully
101 providing and will not willfully provide any service during the
102 contract term in furtherance of transporting an unauthorized
103 alien into the state knowing that the unauthorized alien entered
104 into or remains in the United States in violation of law. A
105 governmental entity is deemed to be in compliance with
106 subsection (2) upon receipt of the common carrier's attestation.

107 (b) A provision for termination for cause of the contract,
108 grant agreement, or economic incentive program payment agreement
109 if a common carrier, despite the attestation, is found to be
110 willfully providing any service in furtherance of transporting
111 an unauthorized alien into the state knowing the unauthorized
112 alien entered into or remains in the United States in violation
113 of law.

114 (4) The Department of Management Services shall develop by
115 rule a common carrier attestation form no later than August 30,
116 2022.

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