

By the Committee on Appropriations; and Senators Bean and Rodrigues

576-03240-22

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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 or contracted carriers under certain  
19      circumstances; requiring specified governmental entity  
20      contracts with common carriers or contracted carriers  
21      to include specified provisions on or after a certain  
22      date; requiring the Department of Management Services  
23      to develop a specified form; providing an effective  
24      date.

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26 Be It Enacted by the Legislature of the State of Florida:

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

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30 908.102 Definitions.—As used in this chapter, the term:

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

38 (a) Complying with an immigration detainer;

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

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

44 (d) Participating in any program or agreement authorized  
45 under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.  
46 1357 as required by s. 908.11; or

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

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

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

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

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

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

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

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

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

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

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

80 (b) "Contract" means a contract that is subject to the  
81 competitive procurement requirements of the contracting  
82 governmental entity or a contract for an amount or duration  
83 requiring it to include written provisions under the procurement  
84 requirements of the governmental entity.

85 (c) "Governmental entity" means an agency of the state, a  
86 regional or local government created by the State Constitution  
87 or by a general or special act, a county or municipality, or any

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88 other entity that independently exercises governmental  
89 authority.

90 (d) "Unauthorized alien" means a person who is unlawfully  
91 present in the United States according to the terms of the  
92 federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et  
93 seq. The term shall be interpreted consistently with any  
94 applicable federal statutes, rules, or regulations.

95 (2) A governmental entity may not execute, amend, or renew  
96 a contract with a common carrier or contracted carrier if the  
97 carrier is willfully providing any service in furtherance of  
98 transporting a person into the State of Florida knowing that the  
99 person is an unauthorized alien, except to facilitate the  
100 detention, removal, or departure of the person from this state  
101 or the United States.

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

106 (a) An attestation by the common carrier or contracted  
107 carrier, in conformity with s. 92.525, that the common carrier  
108 or contracted carrier is not willfully providing and will not  
109 willfully provide any service during the contract term in  
110 furtherance of transporting a person into this state knowing  
111 that the person is an unauthorized alien, except to facilitate  
112 the detention, removal, or departure of the person from this  
113 state or the United States. A governmental entity is deemed to  
114 be in compliance with subsection (2) upon receipt of the common  
115 carrier's attestation; and

116 (b) A provision for termination for cause of the contract,

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117 grant agreement, or economic incentive program payment agreement  
118 if a common carrier or contracted carrier is found in violation  
119 of its attestation.

120 (4) The Department of Management Services shall develop by  
121 rule a common carrier and contracted carrier attestation form no  
122 later than August 30, 2022.

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