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1 A bill to be entitled
2 An act relating to immigration enforcement; amending
3 s. 900.05, F.S.; revising the type of data required to
4 be reported by the clerk of the court, county
5 detention facilities, and the Department of
6 Corrections as part of criminal justice data
7 collection; amending s. 908.102, F.S.; revising the
8 definition of the term "sanctuary policy" to include
9 specified laws, policies, practices, procedures, or
10 customs that limit or prohibit a law enforcement
11 agency from providing specified immigration
12 information to a state entity; creating s. 908.11,
13 F.S.; requiring each law enforcement agency operating
14 a county detention facility to enter into a specified
15 agreement with the United States Immigration and
16 Customs Enforcement to assist with immigration
17 enforcement; requiring such agency to report specified
18 information concerning such agreement quarterly to the
19 Department of Law Enforcement; creating s. 908.111,
20 F.S.; providing definitions; prohibiting a
21 governmental entity from executing, amending, or
22 renewing a contract with common carriers or contracted
23 carriers under certain circumstances; requiring
24 specified governmental entity contracts with common
25 carriers or contracted carriers to include specified
26 provisions on or after a certain date; requiring the
27 Department of Management Services to develop a
28 specified form; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Paragraphs (a), (d), and (e) of subsection (3)
33 of section 900.05, Florida Statutes, are amended to read:

34 900.05 Criminal justice data collection.—

35 (3) DATA COLLECTION AND REPORTING.—An entity required to
36 collect data in accordance with this subsection shall collect
37 the specified data and report them in accordance with this
38 subsection to the Department of Law Enforcement on a monthly
39 basis.

40 (a) *Clerk of the court.*—Each clerk of court shall collect
41 the following data for each criminal case:

42 1. Case number.

43 2. Date that the alleged offense occurred.

44 3. Date the defendant is taken into physical custody by a
45 law enforcement agency or is issued a notice to appear on a
46 criminal charge.

47 4. Whether the case originated by notice to appear.

48 5. Date that the criminal prosecution of a defendant is
49 formally initiated.

50 6. Arraignment date.

51 7. Attorney appointment date.

52 8. Attorney withdrawal date.

53 9. Case status.

54 10. Charge disposition.

55 11. Disposition date and disposition type.

56 12. Information related to each defendant, including:

57 a. Identifying information, including name, known aliases,
58 date of birth, race, ethnicity, and gender.

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- 59 b. Zip code of last known address.
60 c. Primary language.
61 d. Citizenship.
62 e. Immigration status, ~~if applicable~~.
63 f. Whether the defendant has been found to be indigent
64 under s. 27.52.
- 65 13. Information related to the charges filed against the
66 defendant, including:
67 a. Charge description.
68 b. Charge modifier description and statute, if applicable.
69 c. Drug type for each drug charge, if known.
70 d. Qualification for a flag designation as defined in this
71 section, including a domestic violence flag, gang affiliation
72 flag, sexual offender flag, habitual offender flag, habitual
73 violent felony offender flag, pretrial release violation flag,
74 prison releasee reoffender flag, three-time violent felony
75 offender flag, or violent career criminal flag.
- 76 14. Information related to bail or bond and pretrial
77 release determinations, including the dates of any such
78 determinations:
79 a. Pretrial release determination made at a first
80 appearance hearing that occurs within 24 hours of arrest,
81 including any monetary and nonmonetary conditions of release.
82 b. Modification of bail or bond conditions made by a court
83 having jurisdiction to try the defendant or, in the absence of
84 the judge of the trial court, by the circuit court, including
85 modifications to any monetary and nonmonetary conditions of
86 release.
87 c. Cash bail or bond payment, including whether the

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88 defendant utilized a bond agent to post a surety bond.

89 d. Date defendant is released on bail, bond, or pretrial
90 release for the current case.

91 e. Bail or bond revocation due to a new offense, a failure
92 to appear, or a violation of the terms of bail or bond, if
93 applicable.

94 15. Information related to court dates and dates of motions
95 and appearances, including:

96 a. Date of any court appearance and the type of proceeding
97 scheduled for each date reported.

98 b. Date of any failure to appear in court, if applicable.

99 c. Deferred prosecution or pretrial diversion hearing, if
100 applicable.

101 d. Each scheduled trial date.

102 e. Date that a defendant files a notice to participate in
103 discovery.

104 f. Speedy trial motion date and each hearing date, if
105 applicable.

106 g. Dismissal motion date and each hearing date, if
107 applicable.

108 16. Defense attorney type.

109 17. Information related to sentencing, including:

110 a. Date that a court enters a sentence against a defendant.

111 b. Charge sentenced to, including charge sequence number,
112 and charge description.

113 c. Sentence type and length imposed by the court in the
114 current case, reported in years, months, and days, including,
115 but not limited to, the total duration of incarceration in a
116 county detention facility or state correctional institution or

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117 facility, and conditions of probation or community control
118 supervision.

119 d. Amount of time served in custody by the defendant
120 related to each charge that is credited at the time of
121 disposition of the charge to reduce the imposed length of time
122 the defendant will serve on the term of incarceration that is
123 ordered by the court at disposition.

124 e. Total amount of court costs imposed by the court at the
125 disposition of the case.

126 f. Total amount of fines imposed by the court at the
127 disposition of the case.

128 g. Restitution amount ordered at sentencing.

129 18. The sentencing judge or magistrate, or their
130 equivalent.

131 (d) *County detention facility.*—The administrator of each
132 county detention facility shall collect the following data:

133 1. Maximum capacity for the county detention facility.

134 2. Weekly admissions to the county detention facility for a
135 revocation of probation or community control.

136 3. Weekly admissions to the county detention facility for a
137 revocation of pretrial release.

138 4. Daily population of the county detention facility,
139 including the specific number of inmates in the custody of the
140 county that:

141 a. Are awaiting case disposition.

142 b. Have been sentenced by a court to a term of
143 incarceration in the county detention facility.

144 c. Have been sentenced by a court to a term of imprisonment
145 with the Department of Corrections and who are awaiting

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146 transportation to the department.

147 d. Have a federal detainer, are awaiting disposition of a
148 case in federal court, or are awaiting other federal
149 disposition.

150 5. Information related to each inmate, including:

151 a. Identifying information, including name, date of birth,
152 race, ethnicity, gender, case number, and identification number
153 assigned by the county detention facility.

154 b. Immigration status.

155 ~~c.d.~~ Date when an inmate is processed and booked into the
156 county detention facility subsequent to an arrest for a new
157 violation of law, for a violation of probation or community
158 control, or for a violation of pretrial release.

159 ~~d.e.~~ Reason why an inmate is processed and booked into the
160 county detention facility, including a new law violation, a
161 violation of probation or community control, or a violation of
162 pretrial release.

163 ~~e.d.~~ Qualification for a flag designation as defined in
164 this section, including domestic violence flag, gang affiliation
165 flag, habitual offender flag, habitual violent felony offender
166 flag, pretrial release violation flag, sexual offender flag,
167 prison releasee reoffender flag, three-time violent felony
168 offender flag, or violent career criminal flag.

169 6. Total population of the county detention facility at
170 year-end. This data must include the same specified
171 classifications as subparagraph 4.

172 7. Per diem rate for a county detention facility bed.

173 8. Daily number of correctional officers for the county
174 detention facility.

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175 9. Annual county detention facility budget. This
176 information only needs to be reported once annually at the
177 beginning of the county's fiscal year.

178 10. Annual revenue generated for the county from the
179 temporary incarceration of federal defendants or inmates.

180 (e) *Department of Corrections.*—The Department of
181 Corrections shall collect the following data:

182 1. Information related to each inmate, including:

183 a. Identifying information, including name, date of birth,
184 race, ethnicity, gender, case number, and identification number
185 assigned by the department.

186 b. Immigration status.

187 ~~c.b.~~ Highest education level.

188 ~~d.e.~~ Date the inmate was admitted to the custody of the
189 department for his or her current incarceration.

190 ~~e.d.~~ Current institution placement and the security level
191 assigned to the institution.

192 ~~f.e.~~ Custody level assignment.

193 ~~g.f.~~ Qualification for a flag designation as defined in
194 this section, including sexual offender flag, habitual offender
195 flag, habitual violent felony offender flag, prison releasee
196 reoffender flag, three-time violent felony offender flag,
197 violent career criminal flag, gang affiliation flag, or
198 concurrent or consecutive sentence flag.

199 ~~h.g.~~ County that committed the prisoner to the custody of
200 the department.

201 i.h. Whether the reason for admission to the department is
202 for a new conviction or a violation of probation, community
203 control, or parole. For an admission for a probation, community

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204 control, or parole violation, the department shall report
205 whether the violation was technical or based on a new violation
206 of law.

207 j.i. Specific statutory citation for which the inmate was
208 committed to the department, including, for an inmate convicted
209 of drug trafficking under s. 893.135, the statutory citation for
210 each specific drug trafficked.

211 k.j. Length of sentence served.

212 l.k. Length of concurrent or consecutive sentences served.

213 m.l. Tentative release date.

214 n.m. Gain time earned in accordance with s. 944.275.

215 o.n. Prior incarceration within the state.

216 p.o. Disciplinary violation and action.

217 q.p. Participation in rehabilitative or educational
218 programs while in the custody of the department.

219 r.q. Digitized sentencing scoresheet prepared in accordance
220 with s. 921.0024.

221 2. Information about each state correctional institution or
222 facility, including:

223 a. Budget for each state correctional institution or
224 facility.

225 b. Daily prison population of all inmates incarcerated in a
226 state correctional institution or facility.

227 c. Daily number of correctional officers for each state
228 correctional institution or facility.

229 3. Information related to persons supervised by the
230 department on probation or community control, including:

231 a. Identifying information for each person supervised by
232 the department on probation or community control, including his

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233 or her name, date of birth, race, ethnicity, gender, case
234 number, and department-assigned case number.

235 b. Immigration status.

236 ~~c.b.~~ Length of probation or community control sentence
237 imposed and amount of time that has been served on such
238 sentence.

239 ~~d.e.~~ Projected termination date for probation or community
240 control.

241 ~~e.d.~~ Revocation of probation or community control due to a
242 violation, including whether the revocation is due to a
243 technical violation of the conditions of supervision or from the
244 commission of a new law violation.

245 4. Per diem rates for:

246 a. Prison bed.

247 b. Probation.

248 c. Community control.

249

250 This information only needs to be reported once annually at the
251 time the most recent per diem rate is published.

252 Section 2. Subsection (6) of section 908.102, Florida
253 Statutes, is amended to read:

254 908.102 Definitions.—As used in this chapter, the term:

255 (6) "Sanctuary policy" means a law, policy, practice,
256 procedure, or custom adopted or allowed by a state entity or
257 local governmental entity which prohibits or impedes a law
258 enforcement agency from complying with 8 U.S.C. s. 1373 or which
259 prohibits or impedes a law enforcement agency from communicating
260 or cooperating with a federal immigration agency so as to limit
261 such law enforcement agency in, or prohibit the agency from:

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- 262 (a) Complying with an immigration detainer;
- 263 (b) Complying with a request from a federal immigration
264 agency to notify the agency before the release of an inmate or
265 detainee in the custody of the law enforcement agency;
- 266 (c) Providing a federal immigration agency access to an
267 inmate for interview;
- 268 (d) Participating in any program or agreement authorized
269 under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.
270 1357 as required by s. 908.11; ~~or~~
- 271 (e) Providing a federal immigration agency with an inmate's
272 incarceration status or release date; or
- 273 (f) Providing information to a state entity on the
274 immigration status of an inmate or detainee in the custody of
275 the law enforcement agency.

276 Section 3. Section 908.11, Florida Statutes, is created to
277 read:

278 908.11 Immigration enforcement assistance agreements;
279 reporting requirement.—

280 (1) By January 1, 2023, each law enforcement agency
281 operating a county detention facility must enter into a written
282 agreement with the United States Immigration and Customs
283 Enforcement to participate in the immigration program
284 established under s. 287(g) of the Immigration and Nationality
285 Act, 8 U.S.C. s. 1357. This subsection does not require a law
286 enforcement agency to participate in a particular program model.

287 (2) Beginning no later than October 1, 2022, and until the
288 law enforcement agency enters into the written agreement
289 required under subsection (1), each law enforcement agency
290 operating a county detention facility must notify the Department

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291 of Law Enforcement quarterly of the status of such written
292 agreement and any reason for noncompliance with this section, if
293 applicable.

294 Section 4. Section 908.111, Florida Statutes, is created to
295 read:

296 908.111 Prohibition against governmental entity contracts
297 with common carriers; required termination provisions.-

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

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

304 (b) "Contract" means a contract that is subject to the
305 competitive procurement requirements of the contracting
306 governmental entity or a contract for an amount or duration
307 requiring it to include written provisions under the procurement
308 requirements of the governmental entity.

309 (c) "Governmental entity" means an agency of the state, a
310 regional or local government created by the State Constitution
311 or by a general or special act, a county or municipality, or any
312 other entity that independently exercises governmental
313 authority.

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

319 (2) A governmental entity may not execute, amend, or renew

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320 a contract with a common carrier or contracted carrier if the
321 carrier is willfully providing any service in furtherance of
322 transporting a person into the State of Florida knowing that the
323 person is an unauthorized alien, except to facilitate the
324 detention, removal, or departure of the person from this state
325 or the United States.

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

330 (a) An attestation by the common carrier or contracted
331 carrier, in conformity with s. 92.525, that the common carrier
332 or contracted carrier is not willfully providing and will not
333 willfully provide any service during the contract term in
334 furtherance of transporting a person into this state knowing
335 that the person is an unauthorized alien, except to facilitate
336 the detention, removal, or departure of the person from this
337 state or the United States. A governmental entity is deemed to
338 be in compliance with subsection (2) upon receipt of the common
339 carrier's or contracted carrier's attestation; and

340 (b) A provision for termination for cause of the contract,
341 grant agreement, or economic incentive program payment agreement
342 if a common carrier or contracted carrier is found in violation
343 of its attestation.

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

347 Section 5. This act shall take effect upon becoming a law.