

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to combatting illegal immigration;
3 reenacting and amending s. 908.104, F.S.; requiring
4 law enforcement agencies to support the enforcement of
5 federal immigration law; requiring, rather than
6 authorizing, law enforcement agencies to transport
7 certain persons securely to a federal facility in this
8 state or to another point of transfer to federal
9 custody outside the jurisdiction of the law
10 enforcement agency; specifying that certain provisions
11 do not require a state entity, local governmental
12 entity, or law enforcement agency to provide a federal
13 immigration agency with information related to a
14 victim of or a witness to a criminal offense that
15 occurred in this state and for which there is an
16 ongoing investigation or prosecution under specified
17 circumstances; revising applicability; providing for
18 severability; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsections (1), (4), (5), and (8) of section
23 908.104, Florida Statutes, are amended, and subsection (6) of
24 that section is reenacted, to read:

25 908.104 Cooperation with federal immigration authorities.—

26 (1) A law enforcement agency shall ~~use best efforts to~~
27 support the enforcement of federal immigration law. This
28 subsection applies to an official, representative, agent, or
29 employee of the entity or agency only when he or she is acting

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30 within the scope of his or her official duties or within the
31 scope of his or her employment.

32 (4) When a county correctional facility or the Department
33 of Corrections receives verification from a federal immigration
34 agency that a person subject to an immigration detainer is in
35 the law enforcement agency's custody, the agency shall ~~may~~
36 securely transport the person to a federal facility in this
37 state or to another point of transfer to federal custody outside
38 the jurisdiction of the law enforcement agency. The law
39 enforcement agency shall ~~may~~ transfer a person who is subject to
40 an immigration detainer and is confined in a secure correctional
41 facility to the custody of a federal immigration agency not
42 earlier than 12 days before his or her release date. A law
43 enforcement agency shall obtain judicial authorization before
44 securely transporting an alien to a point of transfer outside of
45 this state.

46 (5) This section does not require a state entity, local
47 governmental entity, or law enforcement agency to provide a
48 federal immigration agency with information related to a victim
49 of or a witness to a criminal offense that occurred in this
50 state and for which there is an ongoing investigation or
51 prosecution if the victim or witness timely and in good faith
52 responds to the entity's or agency's request for information and
53 cooperation in the investigation or prosecution of the offense.

54 (6) A state entity, local governmental entity, or law
55 enforcement agency that, pursuant to subsection (5), withholds
56 information regarding the immigration information of a victim of
57 or witness to a criminal offense shall document the victim's or
58 witness's cooperation in the entity's or agency's investigative

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59 records related to the offense and shall retain the records for
60 at least 10 years for the purpose of audit, verification, or
61 inspection by the Auditor General.

62 (8) This section does not apply to any alien unlawfully
63 present in the United States if he or she is or has been a
64 necessary witness or victim of a crime of domestic violence,
65 rape, sexual exploitation, sexual assault, murder, manslaughter,
66 assault, battery, human trafficking, kidnapping, false
67 imprisonment, involuntary servitude, fraud in foreign labor
68 contracting, blackmail, extortion, or witness tampering for
69 which there is an ongoing investigation or prosecution in this
70 state.

71 Section 2. If any provision of this act or its application
72 to any person or circumstance is held invalid, the invalidity
73 does not affect other provisions or applications of this act
74 which can be given effect without the invalid provisions or
75 application, and to this end the provisions of this act are
76 severable.

77 Section 3. This act shall take effect upon becoming a law.