

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  
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  
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

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76 | severable.

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