Representative Byrd offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. **Short title.**—This act may be cited as the "Rule of Law Adherence Act."

Section 2. Chapter 908, Florida Statutes, consisting of sections 908.101-908.402, is created to read:

**CHAPTER 908**

**FEDERAL IMMIGRATION ENFORCEMENT**

**PART I**

**FINDINGS AND DEFINITIONS**
908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within this state.

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

(1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

(2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in this subsection. For purposes of this subsection, an immigration detainer is deemed facially sufficient if the federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law and: 
(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in the state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) "Local governmental entity" means any county, municipality, or other political subdivision of this state.
(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or permitted by a state entity, local governmental entity, or law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement, including, but not limited to, limiting a law enforcement agency in, or prohibiting such agency from:

   (a) Complying with an immigration detainer;

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

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

   (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or

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

(7) "Sanctuary policymaker" means a state or local elected official or an appointed official of a local governmental entity governing body who has voted for, allowed to be implemented, or voted against repeal or prohibition of a sanctuary policy, or
who willfully engages in a pattern of noncooperation with a
federal immigration agency.

(8) "State entity" means the state or any office, board,
bureau, commission, department, branch, division, or institution
thereof, including institutions within the State University
System and the Florida College System.

PART II
DUTIES

908.201 Sanctuary policies prohibited.—A state entity, law
enforcement agency, or local governmental entity may not adopt
or have in effect a sanctuary policy.

908.202 Cooperation with federal immigration authorities.—
(1) A law enforcement agency shall use best efforts to
support the enforcement of federal immigration law. This
subsection applies to an official, representative, agent, or
employee of the entity or agency only when he or she is acting
within the scope of his or her official duties or within the
scope of his or her employment.

(2) Except as otherwise expressly prohibited by federal
law, a state entity, local governmental entity, or law
enforcement agency, or an employee, an agent, or a
representative of the entity or agency, may not prohibit or in
any way restrict a law enforcement agency from taking any of the
following actions with respect to information regarding a
person's immigration status:
(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(3)(a) For purposes of this subsection the term "applicable criminal case" means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:
   a. Indicates in the record under s. 908.203 that the defendant is subject to an immigration detainer; or
   b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the
defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

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

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.
(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.204 Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the Immigration and
Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

PART III
ENFORCEMENT

908.301 Complaints.—The Attorney General shall prescribe and provide through the Department of Legal Affairs' website the format for a person to submit a complaint alleging a violation of this chapter. This section does not prohibit the filing of an anonymous complaint or a complaint not submitted in the prescribed format. Any person has standing to submit a complaint under this chapter.

908.302 Enforcement; penalties.—

(1) The state attorney for the county in which a state entity is headquartered or in which a local governmental entity or law enforcement agency is located has primary responsibility and authority for investigating credible complaints of a violation of this chapter. The results of an investigation by a state attorney shall be provided to the Attorney General in a timely manner.

(2)(a) A state entity, local governmental entity, or law enforcement agency for which the state attorney has received a complaint shall comply with a document request from the state attorney related to the complaint.

(b) If the state attorney determines that a complaint filed against a state entity, local governmental entity, or law
enforcement agency is valid, the state attorney shall, not later
than the 10th day after the date of the determination, provide
written notification to the entity that:

1. The complaint has been filed.

2. The state attorney has determined that the complaint is
   valid.

3. Any executive or administrative state, county, or
   municipal officer who violates his duties under this chapter may
be subject to actions taken by the Governor in exercise of his
authority under the State Constitution and Florida law. As
provided in s. 1(b), Art. IV, of the State Constitution, the
Governor may, in his discretion, initiate judicial proceedings
in the name of the state against such officers to enforce
compliance with any duty under this chapter or restrain any
unauthorized act contrary to this chapter.

4. In addition, the state attorney or Attorney General may
file suit against any local government entity or law enforcement
agency for declaratory and injunctive relief caused by a
violation of this chapter.

(c) No later than the 30th day after the day a state
entity or local governmental entity receives written
notification under paragraph (b), the state entity or local
governmental entity shall provide the state attorney with a copy
of:
1. The entity's written policies and procedures with respect to federal immigration agency enforcement actions, including the entity's policies and procedures with respect to immigration detainers.

2. Each immigration detainer received by the entity from a federal immigration agency in the current calendar year-to-date and the two prior calendar years.

3. Each response sent by the entity for an immigration detainer described by subparagraph 2.

(3) As provided in s. 1(b), Art. IV, of the State Constitution, the Governor may, in his discretion, initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter. The Attorney General, the state attorney who conducted the investigation, or a state attorney ordered by the Governor pursuant to s. 27.14 may institute proceedings in circuit court to enjoin a state entity, local governmental entity, or law enforcement agency found to be in violation of this chapter. Venue of an action brought by the Attorney General may be in Leon County. The court shall expedite an action under this section, including setting a hearing at the earliest practicable date.

(4) Upon adjudication by the court or as provided in a consent decree declaring that an officer, state entity, local
governmental entity, or law enforcement agency has violated this chapter, the court shall enjoin the unlawful sanctuary policy and order that such entity or agency pay a civil penalty to the state of at least $1,000 but not more than $5,000 for each day that the sanctuary policy was in effect commencing on October 1, 2019, or the date the sanctuary policy was first enacted, whichever is later, until the date the injunction was granted. The court shall have continuing jurisdiction over the parties and subject matter and may enforce its orders with imposition of additional civil penalties as provided for in this section and contempt proceedings as provided by law.

(5) An order approving a consent decree or granting an injunction or civil penalties pursuant to subsection (4) must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy, or who willfully engaged in a pattern of noncooperation with a federal immigration agency. The court shall provide a copy of the consent decree or order granting an injunction or civil penalties that contains the written findings required by this subsection to the Governor within 30 days after the date of rendition. Any executive or administrative state, county, or municipal officer who violates his duties under this chapter may be subject to actions taken by
the Governor in exercise of his authority under the State
Constitution and Florida law.

(6) A state entity, local governmental entity, or law
enforcement agency ordered to pay a civil penalty pursuant to
subsection (4) shall remit payment to the Chief Financial
Officer, who shall deposit such payment into the General Revenue
Fund.

(7) Except as required by law, public funds may not be
used to defend or reimburse a sanctuary policymaker or an
official, representative, agent, or employee of a state entity,
local governmental entity, or law enforcement agency who
knowingly and willfully violates this chapter.

908.303 Civil cause of action for personal injury or
wrongful death attributed to a sanctuary policy; trial by jury;
required written findings.—

(1) A person injured in this state by the tortious acts or
omissions of an alien unlawfully present in the United States,
or the personal representative of a person killed in this state
by the tortious acts or omissions of an alien unlawfully present
in the United States, has a cause of action for damages against
a state entity, local governmental entity, or law enforcement
agency in violation of ss. 908.201 and 908.202 upon proof by the
greater weight of the evidence of:

(a) The existence of a sanctuary policy in violation of s.
908.201; and
(b)1. A failure to comply with a provision of s. 908.202 resulting in such alien's having access to the person injured or killed when the tortious acts or omissions occurred; or

2. A failure to comply with a provision of s. 908.203(1)(c) resulting in such alien's having access to the person injured or killed when the tortious acts or omissions occurred.

(2) A cause of action brought pursuant to subsection (1) may not be brought against a person who holds public office or who has official duties as a representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency, including a sanctuary policymaker.

(3) Trial by jury is a matter of right in an action brought under this section.

(4) A final judgment entered in favor of a plaintiff in a cause of action brought pursuant to this section must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy, or who willfully engaged in a pattern of noncooperation with a federal immigration agency. The court shall provide a copy of the final judgment containing the written findings required by this subsection to the Governor within 30 days after the date of rendition. A sanctuary
policymaker identified in a final judgment may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(5) Except as provided in this section, this chapter does not create a private cause of action against a state entity, local governmental entity, or law enforcement agency that complies with this chapter.

908.304 Ineligibility for state grant funding.—

(1) Notwithstanding any other provision of law, a state entity, local governmental entity, or law enforcement agency shall be ineligible to receive funding from non-federal grant programs administered by state agencies that receive funding from the General Appropriations Act for a period of 5 years from the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

(2) The Chief Financial Officer shall be notified by the state attorney of an adjudicated violation of this chapter by a state entity, local governmental entity, or law enforcement agency and be provided with a copy of the final court injunction, order, or judgment. Upon receiving such notice, the Chief Financial Officer shall timely inform all state agencies that administer non-federal grant funding of the adjudicated violation by the state entity, local governmental entity, or law enforcement agency and direct such agencies to cancel all
pending grant applications and enforce the ineligibility of such entity for the prescribed period.

(3) This subsection does not apply to:

(a) Funding that is received as a result of an appropriation to a specifically named state entity, local governmental entity, or law enforcement agency in the General Appropriations Act or other law.

(b) Grants awarded before the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

PART IV

MISCELLANEOUS

908.401 Education records.—This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

908.402 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of such an entity, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent permitted by the United States Constitution or the state constitution.
Section 3. A sanctuary policy, as defined in s. 908.102, Florida Statutes, as created by this act, that is in effect on the effective date of this act must be repealed within 90 days after that date.

Section 4. Sections 908.302 and 908.303, Florida Statutes, as created by this act, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

T I T L E  A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled
An act relating to federal immigration enforcement; providing a short title; creating chapter 908, F.S., relating to federal immigration enforcement; providing legislative findings and intent; providing definitions; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; prohibiting restrictions by the entities and agencies on taking certain actions with respect to information regarding a person's immigration status; defining the
terms "applicable criminal case" and "secure correctional facility"; providing requirements concerning certain criminal defendants subject to immigration detainers or otherwise subject to transfer to federal custody; authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; providing an exception to reporting requirements; requiring recordkeeping in certain investigations; specifying duties concerning immigration detainers; requiring county correctional facilities to enter into agreements for payments for complying with immigration detainers; requiring the Attorney General to prescribe the format for submitting complaints; providing requirements for entities to comply with document requests from state attorneys concerning violations; providing for investigation of possible violations; providing for injunctive relief and civil penalties; providing for venue; requiring written findings; prohibiting the expenditure of public funds for specified purposes; providing a cause of action for personal injury or wrongful death attributed to a sanctuary policy; providing that a trial by jury is a matter of right; requiring written findings; providing for applicability to certain education records;
prohibiting discrimination on specified grounds;
providing for implementation; requiring repeal of
existing sanctuary policies within a specified period;
providing effective dates.