



330876

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Gruters) recommended the following:

Senate Amendment

Delete lines 49 - 116

and insert:

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



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12 pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant
13 described in paragraph (c). For purposes of this subsection, an
14 immigration detainer is deemed facially sufficient if:

15 (a) The federal immigration agency's official form is
16 complete and indicates on its face that the federal immigration
17 official has probable cause to believe that the person to be
18 detained is a removable alien under federal immigration law; or

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

28 (c) The federal immigration agency supplies with its
29 detention request a Form I-200 Warrant for Arrest of Alien or a
30 Form I-205 Warrant of Removal/Deportation or a successor warrant
31 or other warrant authorized by federal law.

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

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



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41 (5) "Local governmental entity" means any county,
42 municipality, or other political subdivision of this state.

43 (6) "Sanctuary policy" means a law, policy, practice,
44 procedure, or custom adopted or permitted by a state entity,
45 local governmental entity, or law enforcement agency which
46 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
47 prohibits or impedes a law enforcement agency from communicating
48 or cooperating with a federal immigration agency with respect to
49 federal immigration enforcement, including, but not limited to,
50 limiting a law enforcement agency in, or prohibiting such agency
51 from:

52 (a) Complying with an immigration detainer;

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

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

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

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

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