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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (246112) (with title**
2 **amendment)**

3
4 Delete lines 87 - 167
5 and insert:

6 (1) Except as otherwise expressly prohibited by federal
7 law, a state entity, local governmental entity, or law
8 enforcement agency may not prohibit or in any way restrict
9 another state entity, local governmental entity, or law
10 enforcement agency from taking any of the following actions with



706764

11 respect to information regarding a person's immigration status:
12 (a) Sending the information to or requesting, receiving, or
13 reviewing the information from a federal immigration agency for
14 purposes of this chapter.
15 (b) Recording and maintaining the information for purposes
16 of this chapter.
17 (c) Exchanging the information with a federal immigration
18 agency or another state entity, local governmental entity, or
19 law enforcement agency for purposes of this chapter.
20 (d) Using the information to determine eligibility for a
21 public benefit, service, or license pursuant to federal or state
22 law or an ordinance or regulation of a local governmental
23 entity.
24 (e) Using the information to verify a claim of residence or
25 domicile if a determination of residence or domicile is required
26 under federal or state law, an ordinance or regulation of a
27 local governmental entity, or a judicial order issued pursuant
28 to a civil or criminal proceeding in this state.
29 (f) Using the information to comply with an immigration
30 detainer.
31 (g) Using the information to confirm the identity of a
32 person who is detained by a law enforcement agency.
33 (2) (a) For purposes of this subsection the term "applicable
34 criminal case" means a criminal case in which:
35 1. The judgment requires the defendant to be confined in a
36 secure correctional facility; and
37 2. The judge:
38 a. Indicates in the record under s. 908.204 that the
39 defendant is subject to an immigration detainer; or



706764

40 b. Otherwise indicates in the record that the defendant is
41 subject to a transfer into federal custody.

42 (b) In an applicable criminal case, at the time of
43 pronouncement of a sentence of confinement, the judge shall
44 issue an order requiring the secure correctional facility in
45 which the defendant is to be confined to reduce the defendant's
46 sentence by a period of not more than 7 days on the facility's
47 determination that the reduction in sentence will facilitate the
48 seamless transfer of the defendant into federal custody. For
49 purposes of this paragraph, the term "secure correctional
50 facility" means a state correctional institution as defined in
51 s. 944.02 or a county detention facility or a municipal
52 detention facility as defined in s. 951.23.

53 (c) If the information specified in sub-subparagraph
54 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
55 the sentence is pronounced in the case, the judge shall issue
56 the order described by paragraph (b) as soon as the information
57 becomes available.

58 (3) When a law enforcement agency receives verification
59 from a federal immigration agency that an alien in the law
60 enforcement agency's custody is unlawfully present in the United
61 States, the agency may securely transport the alien to a federal
62 facility in this state or to another point of transfer to
63 federal custody outside the jurisdiction of the law enforcement
64 agency. However, the law enforcement agency may transport an
65 alien who is confined in a secure correctional facility only
66 upon authorization by a court order unless the transportation
67 will occur within the 7 day period under subsection (2). A law
68 enforcement agency shall obtain judicial authorization before



706764

69 securely transporting an alien to a point of transfer outside of
70 this state.

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

78 (5) A state entity, local governmental entity, or law
79 enforcement agency that, pursuant to subsection (4), withholds

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete lines 285 - 289

84 and insert:

85 definitions; prohibiting certain restrictions by state
86 entities, local governmental entities, and law
87 enforcement agencies on taking