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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 160 - 237

and insert:

(1) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency may not prohibit or in any way restrict another state entity, local governmental entity, or law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:



11 (a) Sending the information to or requesting, receiving, or  
12 reviewing the information from a federal immigration agency for  
13 purposes of this chapter.

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

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

19 (d) Using the information to determine eligibility for a  
20 public benefit, service, or license pursuant to federal or state  
21 law or an ordinance or regulation of a local governmental  
22 entity.

23 (e) Using the information to verify a claim of residence or  
24 domicile if a determination of residence or domicile is required  
25 under federal or state law, an ordinance or regulation of a  
26 local governmental entity, or a judicial order issued pursuant  
27 to a civil or criminal proceeding in this state.

28 (f) Using the information to comply with an immigration  
29 detainer.

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

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

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

36 2. The judge:

37 a. Indicates in the record under s. 908.204 that the  
38 defendant is subject to an immigration detainer; or

39 b. Otherwise indicates in the record that the defendant is



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40 subject to a transfer into federal custody.

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

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

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



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69 this state.

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

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

79  
80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete lines 6 - 10

83 and insert:

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