

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/CS/SB 168 — Federal Immigration Enforcement

by Rules Committee; Infrastructure and Security Committee; Judiciary Committee; and Senators Gruters, Bean, Mayfield, Broxson, and Albritton

The bill creates a new chapter of Florida Statutes entitled “Federal Immigration Enforcement.” The bill seeks to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. In its most general and broad terms, the bill requires law enforcement agencies to support the enforcement of federal immigration law.

In more specific terms, the bill:

- Prohibits a state entity, local governmental entity, or law enforcement agency from having a sanctuary policy, which is a law, policy, practice, procedure, or custom that restricts a law enforcement agency’s ability to communicate or exchange information with a federal immigration agency on immigration enforcement matters or from complying with immigration detainers.
- Provides procedures for a court to follow to reduce a defendant’s sentence by up to 12 days and thereby permit a law enforcement agency to transfer the defendant to a federal facility and complete the remaining 12 days of the sentence.
- Requires a law enforcement agency that has custody of someone who is subject to an immigration detainer to notify the judge of the detainer, record in the person’s file the existence of the detainer, and comply with the detainer.
- Requires a county correctional facility to enter into an agreement with a federal immigration agency for the payment of costs associated with housing and detaining defendants.
- Provides that the Governor, in an exercise of his or her constitutional duties, may initiate judicial proceedings against any executive or administrative state, county, or municipal officer to enforce compliance with duties under the act or restrain unauthorized actions contrary to the act.
- Permits the Attorney General to institute an action for a violation of this law or to prevent a violation of the law.
- Requires any sanctuary policies currently in effect be repealed within 90 days after the effective date of the act.

If approved by the Governor, the bill takes effect July 1, 2019, except that the section establishing penalties takes effect October 1, 2019.

Vote: Senate 22-18; House 68-45