

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Metz offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 248-316 and insert:

5 court shall enjoin the unlawful sanctuary policy and order that  
6 such entity or agency pay a civil penalty to the state of at  
7 least \$1,000 but not more than \$5,000 for each day that the  
8 sanctuary policy was in effect before the injunction was  
9 granted. The court shall have continuing jurisdiction over the  
10 parties and subject matter and may enforce its orders with  
11 imposition of additional civil penalties as provided for in this  
12 section and contempt proceedings as provided by law.

13 (4) An order approving a consent decree or granting an  
14 injunction or civil penalties pursuant to subsection (3) must

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15 include written findings of fact that describe with specificity  
16 the existence and nature of the sanctuary policy and that  
17 identify each sanctuary policymaker who voted for, allowed to be  
18 implemented, or voted against repeal or prohibition of the  
19 sanctuary policy. The court shall provide a copy of the consent  
20 decree or order granting an injunction or civil penalties that  
21 contains the written findings required by this subsection to the  
22 Governor within 30 days after the date of rendition. A sanctuary  
23 policymaker identified in an order approving a consent decree or  
24 granting an injunction or civil penalties may be suspended or  
25 removed from office pursuant to general law and s. 7, Art. IV of  
26 the State Constitution.

27 (5) A state entity, local governmental entity, or law  
28 enforcement agency ordered to pay a civil penalty pursuant to  
29 subsection (3) shall remit payment to the Chief Financial  
30 Officer, who shall deposit such payment into the General Revenue  
31 Fund.

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

37 908.008 Resident complaint; penalties.—The Attorney  
38 General shall prescribe and provide through the Department of  
39 Legal Affairs' website the format for a person to submit a  
40 complaint alleging a violation of this chapter. This section

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41 does not prohibit the filing of an anonymous complaint or a  
42 complaint not submitted in the prescribed format.

43 908.009 Civil cause of action for personal injury or  
44 wrongful death attributed to a sanctuary policy; trial by jury;  
45 required written findings.-

46 (1) A person injured by the tortious acts or omissions of  
47 an alien unlawfully present in the United States, or the  
48 personal representative of a person killed by the tortious acts  
49 or omissions of an alien unlawfully present in the United  
50 States, has a cause of action for damages against a state  
51 entity, local governmental entity, or law enforcement agency in  
52 violation of ss. 908.003 and 908.004 upon proof by the greater  
53 weight of the evidence of:

54 (a) The existence of a sanctuary policy in violation of s.  
55 908.003; and

56 (b) A failure to comply with any provision of s. 908.004  
57 resulting in such alien's having access to the person injured or  
58 killed when the tortious acts or omissions occurred.

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

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

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66       (4) A final judgment entered in favor of a plaintiff in a  
67 cause of action brought pursuant to this section must include  
68 written findings of fact that describe with specificity the  
69 existence and nature of the sanctuary policy in violation of s.  
70 908.003 and that identify each sanctuary policymaker who voted  
71 for, allowed to be implemented, or voted against repeal or  
72 prohibition of the sanctuary policy. The court shall provide a  
73 copy of the final judgment containing the written findings  
74 required by this subsection to the Governor within 30 days after  
75 the date of rendition. A sanctuary policymaker identified in a  
76 final judgment may be suspended or removed from office pursuant  
77 to general law and s. 7, Art. IV of the State Constitution.

78       (5) This chapter does not create a private cause of action  
79 against a state entity, local governmental entity, or law  
80 enforcement agency that complies with this chapter.

81       908.0010 Implementation.—This chapter shall be implemented  
82 to the fullest extent permitted by federal law regulating  
83 immigration and the legislative findings and intent declared in  
84 s. 908.001.

85       Section 3. A sanctuary policy, as defined in s. 908.002,  
86 Florida Statutes, as created by this act, that is in effect on  
87 the effective date of this act must be repealed within 90 days  
88 after that date.

89       Section 4. Sections 908.007 and 908.009, Florida Statutes,  
90 as created by this act, shall take effect October 1, 2016, and,

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91 except as otherwise expressly provided in this act, this act  
92 shall take effect July 1, 2016.

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

96 Remove lines 25-35 and insert:  
97 injunctive relief and civil penalties; requiring  
98 written findings; prohibiting the expenditure of  
99 public funds for specified purposes; requiring the  
100 Attorney General to prescribe the format for  
101 submitting complaints; providing a cause of action for  
102 personal injury or wrongful death attributed to a  
103 sanctuary policy; providing that a trial by jury is a  
104 matter of right; requiring written findings; providing  
105 for implementation; requiring repeal of existing  
106 sanctuary policies within a specified period;  
107 providing effective dates.

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