

**By** Senator Bean

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1                   A bill to be entitled

2                   An act relating to federal immigration enforcement;  
3                   providing a short title; creating ch. 908, F.S.,  
4                   relating to federal immigration enforcement; providing  
5                   legislative findings and intent; defining terms;  
6                   prohibiting sanctuary policies; requiring a state or  
7                   local governmental agency to comply with and support  
8                   the enforcement of federal immigration law;  
9                   prohibiting restrictions by state and local government  
10                  entities and officials on the transfer of information  
11                  regarding citizenship or immigration status of an  
12                  individual, action taken with respect to such  
13                  information, or enforcement of federal immigration  
14                  law; authorizing a law enforcement agency to transport  
15                  an unauthorized alien under certain circumstances;  
16                  providing an exception to reporting requirements for  
17                  crime victims or witnesses; requiring state and local  
18                  government officials to report violations; providing  
19                  penalties for failing to report a violation; providing  
20                  for injunctive relief and civil penalties; providing  
21                  for costs and attorney fees; requiring the Attorney  
22                  General to prescribe the format for submitting  
23                  complaints; providing a cause of action for personal  
24                  injury or wrongful death attributed to a sanctuary  
25                  policy; providing that a trial by jury is a matter of  
26                  right; waiving sovereign immunity for such actions;  
27                  providing for implementation; providing an effective  
28                  date.  
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30 Be It Enacted by the Legislature of the State of Florida:

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32       Section 1. Short title.—This act may be cited as the "Rule  
33 of Law Adherence Act."

34       Section 2. Chapter 908, Florida Statutes, consisting of  
35 sections 908.001-908.013, is created to read:

36                    CHAPTER 908

37                    FEDERAL IMMIGRATION ENFORCEMENT

38       908.001 Legislative findings and intent.—The Legislature  
39 finds that state agencies, local governments, and their  
40 officials owe an affirmative duty to all citizens and other  
41 persons lawfully within the United States to assist the Federal  
42 Government with enforcement of federal immigration laws within  
43 this state. The Legislature further finds that, in the interest  
44 of public safety and adherence to federal law, this state shall  
45 support federal immigration enforcement efforts and ensure that  
46 such efforts are not impeded or thwarted by state or local laws,  
47 policies, practices, procedures, or customs. State agencies,  
48 local governments, and their officials who encourage persons  
49 unlawfully present in the United States to locate within this  
50 state or who shield such persons from personal responsibility  
51 for their unlawful actions breach this duty and should be held  
52 accountable.

53       908.003 Definitions.—As used in this chapter, the term:

54           (1) "Federal immigration agency" means the United States  
55 Department of Homeland Security, or its successor agency, and  
56 any of its divisions, including United States Immigration and  
57 Customs Enforcement, United States Customs and Border  
58 Protection, or any other federal agency charged with the

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59 enforcement of immigration law.

60 (2) "Federal immigration official" means an official of a  
61 federal immigration agency.

62 (3) "Immigration detainer" means a written request issued  
63 on behalf of a federal immigration agency to another federal,  
64 state, or local law enforcement agency to provide notice of  
65 release and to detain an individual based on an inquiry into  
66 immigration status or an alleged violation of a civil  
67 immigration law, including detainees issued pursuant to 8 C.F.R.  
68 s. 287.7 and 8 C.F.R. s. 236.1 and on the United States  
69 Department of Homeland Security Form I-247N "Request for  
70 Voluntary Notification of Release of Suspected Priority Alien"  
71 or Form I-247D "Immigration Detainer—Request for Voluntary  
72 Action."

73 (4) "Inmate" means an individual in the custody of a law  
74 enforcement agency.

75 (5) "Law enforcement agency" means an agency in this state  
76 charged with enforcement of state, county, municipal, or federal  
77 laws or with managing custody of detained persons in the state  
78 and includes municipal police departments, sheriff's offices,  
79 state police departments, campus police departments, and the  
80 Department of Corrections.

81 (6) "Local governmental entity" means any county,  
82 municipality, or other political subdivision of this state.

83 (7) "Local government official" means a person holding  
84 public office or having official duties as a representative,  
85 agent, or employee of a local governmental entity.

86 (8) "Sanctuary policy" means a law, policy, practice,  
87 procedure, or custom adopted or permitted by a state entity,

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88 state official, law enforcement agency, local governmental  
89 entity, or local government official which contravenes  
90 subsection (a) or subsection (b) of s. 642 of the Illegal  
91 Immigration Reform and Immigrant Responsibility Act of 1996, 8  
92 U.S.C. s. 1373, or which prohibits or impedes a law enforcement  
93 agency from communicating or cooperating with a federal  
94 immigration agency or a federal immigration official with  
95 respect to federal immigration enforcement, including, but not  
96 limited to, cooperation with immigration detainees.

97 (9) "Sanctuary policymaker" means a state or local elected  
98 official, or an appointed official of a local governmental  
99 entity governing body, who has voted for, allowed to be  
100 implemented, or voted against repeal or prohibition of a  
101 sanctuary policy.

102 (10) "State entity" means the state or any office, board,  
103 bureau, commission, department, branch, division, or institution  
104 thereof.

105 (11) "State official" means a person holding public office  
106 or having official duties as a representative, an agent, or an  
107 employee of this state.

108 908.005 Sanctuary policies prohibited.—A state entity,  
109 state official, law enforcement agency, local governmental  
110 entity or local government official may not adopt or have in  
111 effect a sanctuary policy.

112 908.006 Cooperation with federal immigration authorities.—  
113 (1) A state or local governmental entity or official or a  
114 law enforcement agency may not prohibit or in any way restrict  
115 another state or local governmental entity or official or law  
116 enforcement agency from sending to, or receiving from, a federal

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117 immigration agency or federal immigration official information  
118 regarding the citizenship or immigration status of an  
119 individual.

120 (2) Except as otherwise expressly prohibited by federal  
121 law, a state or local governmental entity or official or a law  
122 enforcement agency may not restrict another state or local  
123 governmental entity or official or law enforcement agency from  
124 taking any of the following actions with respect to information  
125 regarding the immigration status of an individual:

126 (a) Sending such information to or requesting or receiving  
127 such information from a federal immigration agency or federal  
128 immigration official for purposes of this chapter.

129 (b) Maintaining such information for purposes of this  
130 chapter.

131 (c) Exchanging such information with a federal immigration  
132 agency or official or another state or local governmental entity  
133 or official or law enforcement agency for purposes of this  
134 chapter.

135 (d) Determining eligibility for a public benefit, service,  
136 or license pursuant to federal or state law or an ordinance or  
137 regulation of a local governmental entity.

138 (e) Verifying a claim of residence or domicile if a  
139 determination of residence or domicile is required under federal  
140 or state law or an ordinance or a regulation of any local  
141 governmental entity or under a judicial order issued pursuant to  
142 a civil or criminal proceeding in this state.

143 (f) Confirming the identity of an individual who is  
144 detained by a law enforcement agency or its officials.

145 (3) A state or local governmental entity or official or a

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146 law enforcement agency shall fully comply with and, to the full  
147 extent permitted by law, support the enforcement of federal  
148 immigration law.

149       (4) A state or local governmental entity or official or a  
150 law enforcement agency may not limit or restrict the enforcement  
151 of federal immigration law, including, but not limited to,  
152 limiting or restricting a state or local governmental entity or  
153 official or a law enforcement agency from complying with an  
154 immigration detainer, providing a federal immigration official  
155 access to an inmate for interview, initiating an immigration  
156 status investigation, or providing a federal immigration  
157 official with the incarceration status or release date of an  
158 inmate in the custody of a state or local governmental entity or  
159 law enforcement agency.

160       (5) Notwithstanding any other provision of law, if a law  
161 enforcement agency or official has received verification from a  
162 federal immigration agency or official that an unauthorized  
163 alien in the law enforcement agency's custody is unlawfully  
164 present in the United States, the law enforcement agency may  
165 securely transport such alien to a federal facility in this  
166 state or to another point of transfer to federal custody which  
167 is outside the jurisdiction of the law enforcement agency. A law  
168 enforcement agency shall obtain judicial authorization before  
169 securely transporting an unauthorized alien to a point of  
170 transfer outside of this state.

171       (6) This section does not require a state or local agency  
172 or official or a state or local law enforcement agency to  
173 provide a federal immigration agency or official with  
174 information related to a victim of or a witness to a criminal

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175       offense, if such victim or witness timely and in good faith  
176       responds to the state or local agency or official's request for  
177       information and cooperation in the investigation or prosecution  
178       of such offense.

179       908.007 Duty to report.—A state or a local government  
180       official shall promptly report a known or probable violation of  
181       this chapter to the Attorney General or the state attorney  
182       having jurisdiction over the local governmental entity. A person  
183       who willfully and knowingly fails to report a known or probable  
184       violation of this chapter may be suspended or removed from  
185       office pursuant to general law and s. 7, Art. IV of the State  
186       Constitution.

187       908.009 Enforcement; penalties.—

188       (1) The Attorney General or a state attorney may institute  
189       proceedings in circuit court to enjoin a state entity, state  
190       official, law enforcement agency, local governmental entity, or  
191       local government official found to be in violation of this  
192       chapter. The court shall expedite an action under this section,  
193       including setting a hearing at the earliest practicable date.

194       (2) Upon adjudication by the court or as provided in a  
195       consent motion declaring that a state entity, state official,  
196       law enforcement agency, local governmental entity, or local  
197       government official has violated this chapter, the court shall  
198       enjoin the unlawful policy or practice and order that such  
199       entity or official pay a civil penalty to the state of at least  
200       \$1,000 but not more than \$5,000 for each day that the policy or  
201       practice was found to be in effect before the injunction was  
202       granted. The court shall have continuing jurisdiction over the  
203       parties and subject matter and may enforce its orders with

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204 imposition of additional civil penalties as provided for in this  
205 section and contempt proceedings as provided by law.

206 (3) A state or local entity or official or a law  
207 enforcement agency ordered to pay a civil penalty pursuant to  
208 subsection (2) shall remit payment to the Chief Financial  
209 Officer for appropriation as provided in the General  
210 Appropriations Act, or if not provided for in the General  
211 Appropriations Act, such funds shall revert to the General  
212 Revenue Fund.

213 (4) The court may award court costs and reasonable attorney  
214 fees to the prevailing party in an action brought pursuant to  
215 this section.

216 908.011 Resident complaint; penalties.—The Attorney General  
217 shall prescribe and provide through the Department of Legal  
218 Affairs' website the format for a person to submit a complaint  
219 alleging a violation of this chapter. This section does not  
220 prohibit the filing of an anonymous complaint or a complaint not  
221 submitted in the prescribed format.

222 908.012 Civil cause of action for personal injury or  
223 wrongful death attributed to a sanctuary policy; trial by jury;  
224 waiver of sovereign immunity.—

225 (1) A person injured by the tortious acts or omissions of  
226 an alien unlawfully present in the United States, or the  
227 personal representative of a person killed by the tortious acts  
228 or omissions of an alien unlawfully present in the United  
229 States, has a cause of action to recover all damages otherwise  
230 permitted by law in such cases against any state or local  
231 governmental entity or law enforcement agency in violation of s.  
232 908.005, and any sanctuary policymaker of any such governmental

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233       entity or law enforcement agency, upon proof by the greater  
234       weight of the evidence of:

235           (a) The existence of a sanctuary policy; and  
236           (b) A failure to comply with any provision of s. 908.006  
237       resulting in such alien having access to the person injured or  
238       killed when the tortious acts or omissions occurred.

239           (2) Trial by jury is a matter of right in actions brought  
240       under this section.

241           (3) In accordance with s. 13, Art. X of the State  
242       Constitution, the state, for itself and its political  
243       subdivisions, waives sovereign immunity for actions brought  
244       under this section. In addition, s. 768.28(9) does not apply to  
245       a sanctuary policymaker.

246       908.013 Implementation.—This chapter shall be implemented  
247       to the fullest extent permitted by federal law regulating  
248       immigration and the legislative findings and intent declared in  
249       s. 908.001.

250       Section 3. This act shall take effect July 1, 2016.