The Committee on Judiciary (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the “Rule of Law Adherence Act.”

Section 2. Chapter 908, Florida Statutes, consisting of sections 908.101-908.402, is created to read:

CHAPTER 908

FEDERAL IMMIGRATION ENFORCEMENT
PART I

FINDINGS AND INTENT AND DEFINITIONS

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest that state entities and their officials have an affirmative duty to all citizens and other persons lawfully present in the United States to assist the Federal Government in the enforcement of federal immigration laws within this state, including their compliance with federal immigration detainers. The Legislature further finds that it is an important state interest that, in the interest of public safety and adherence to federal law, this state support federal immigration enforcement efforts and ensure that such efforts are not impeded or thwarted by state laws, policies, practices, procedures, or customs. State entities and their officials who encourage persons unlawfully present in the United States to locate within this state or who shield such persons from personal responsibility for their unlawful actions breach this duty and should be held accountable.

908.102 Definitions.—As used in this chapter, the term:
(1) “Federal immigration agency” means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law. The term includes an official or employee of such an agency.
(2) “Immigration detainer” means a facially sufficient written or electronic request issued by a federal immigration agency.
agency using that agency’s official form to request that another
law enforcement agency detain a person based on probable cause
to believe that the person to be detained is a removable alien
under federal immigration law, including detainers issued
pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this
subsection, an immigration detainer is deemed facially
sufficient if:

(a) The federal immigration agency’s official form is
complete and indicates on its face that the federal immigration
official has probable cause to believe that the person to be
detained is a removable alien under federal immigration law; or

(b) The federal immigration agency’s official form is
incomplete and fails to indicate on its face that the federal
immigration official has probable cause to believe that the
person to be detained is a removable alien under federal
immigration law, but is supported by an affidavit, order, or
other official documentation that indicates that the federal
immigration agency has probable cause to believe that the person
to be detained is a removable alien under federal immigration
law.

(3) “Inmate” means a person in the custody of a law
enforcement agency.

(4) “Law enforcement agency” means an agency in this state
charged with enforcement of state or federal laws or with
managing custody of detained persons in the state and includes
state police departments and the Department of Corrections. The
term includes an official or employee of such an agency.

(5) “Sanctuary policy” means a law, policy, practice,
procedure, or custom adopted or permitted by a state entity or
law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or
(b) or which knowingly prohibits or impedes a law enforcement
agency from communicating or cooperating with a federal
immigration agency with respect to federal immigration
enforcement, including, but not limited to, limiting a state
entity or law enforcement agency in, or prohibiting such an
entity or agency from:

(a) Complying with an immigration detainer;
(b) Complying with a request from a federal immigration
agency to notify the agency before the release of an inmate or
detainee in the custody of the state entity or law enforcement
agency;
(c) Providing a federal immigration agency access to an
inmate for interview;
(d) Initiating an immigration status investigation; or
(e) Providing a federal immigration agency with an inmate’s
incarceration status or release date.

(6) “Sanctuary policymaker” means a state official who has
voted for, allowed to be implemented, or voted against repeal or
prohibition of a sanctuary policy.

(7) “State entity” means the state or any office, board,
bureau, commission, department, branch, division, or institution
thereof. The term includes a person holding public office or
having official duties as a representative, agent, or employee
of such entity.

PART II
DUTIES
908.201 Sanctuary policies prohibited.—A state entity or
law enforcement agency may not adopt or have in effect a
sanctuary policy.

908.202 Cooperation with federal immigration authorities.—

(1) A state entity or law enforcement agency shall fully comply with and, to the full extent permitted by law, support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of such entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

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

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

   (b) Recording and maintaining such information for purposes of this chapter.

   (c) Exchanging such information with a federal immigration agency or another state entity or law enforcement agency for purposes of this chapter.

   (d) Using such information to determine eligibility for a public benefit, service, or license pursuant to federal or state law.

   (e) Using such information to verify a claim of residence or domicile if a determination of residence or domicile is required under federal or state law or a judicial order issued pursuant to a civil or criminal proceeding in this state.
(f) Using such information to comply with an immigration detainer.

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

(3)(a) For purposes of this subsection the term “applicable criminal case” means a criminal case in which:

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

2. The judge:

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

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

(b) In an applicable criminal case, at the time of pronouncement of a sentence of confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant’s sentence by a period of not more than 7 days on the facility’s determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term “secure correctional facility” means a state correctional institution as defined in s. 944.02.

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

(4) Notwithstanding any other provision of law, if a law
enforcement agency has received verification from a federal
immigration agency that an alien in the law enforcement agency’s
custody is unlawfully present in the United States, the law
enforcement agency may securely transport such alien to a
federal facility in this state or to another point of transfer
to federal custody outside the jurisdiction of the law
enforcement agency. A law enforcement agency shall obtain
judicial authorization before securely transporting such alien
to a point of transfer outside of this state.

(5) This section does not require a state entity or law
enforcement agency to provide a federal immigration agency with
information related to a victim of or a witness to a criminal
offense if such victim or witness timely and in good faith
responds to the entity’s or agency’s request for information and
cooperation in the investigation or prosecution of such offense.

(6) A state entity or law enforcement agency that, pursuant
to subsection (5), withholds information regarding the
immigration information of a victim of or witness to a criminal
offense shall document such victim’s or witness’s cooperation in
the entity’s or agency’s investigative records related to the
offense and shall retain such records for at least 10 years for
the purpose of audit, verification, or inspection by the Auditor
General.

908.203 Duties related to certain arrested persons.—
(1) If a person is arrested and is unable to provide proof
of his or her lawful presence in the United States, not later
than 48 hours after the person is arrested, and before the
person is released on bond, a law enforcement agency performing
the booking process:
(a) Shall review any information available from a federal immigration agency.

(b) If information obtained under paragraph (a) reveals that the person is not a citizen of the United States and is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq., must:

1. Provide immediate notice of the person’s arrest and charges to a federal immigration agency.

2. Provide notice of that fact to the judge authorized to grant or deny the person’s release on bail under chapter 903.

3. Record the person’s arrest and charges in the person’s case file.

(2) A law enforcement agency is not required to perform the duty imposed by subsection (1) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice of a person’s immigration status under this section shall ensure that such status is recorded in the court record.

908.204 Duties related to immigration detainers.—

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person’s release on bail under chapter 903 notice that the person is subject to an immigration detainer.

(b) Record in the person’s case file that the person is
subject to an immigration detainer.

(c) Comply with, honor, and fulfill the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall ensure that such fact is recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.205 Reimbursement of costs.—A state entity or law enforcement agency may petition the Federal Government for reimbursement of the entity’s or agency’s detention costs and the costs of compliance with federal requests when such costs are incurred in support of the enforcement of federal immigration law.

908.206 Duty to report.—

(1) An official, representative, agent, or employee of a state entity or law enforcement agency shall promptly report a known or probable violation of this chapter to the Attorney General or the state attorney having jurisdiction over the entity or agency.

(2) An official, representative, agent, or employee of a state entity or law enforcement agency who willfully and knowingly fails to report a known or probable violation of this chapter may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.
(3) A state entity or law enforcement agency may not dismiss, discipline, take any adverse personnel action as defined in s. 112.3187(3) against, or take any adverse action described in s. 112.3187(4)(b) against, an official, representative, agent, or employee for complying with subsection (1).

(4) Section 112.3187 of the Whistle-blower’s Act applies to an official, representative, agent, or employee of a state entity or law enforcement agency who is dismissed, disciplined, subject to any adverse personnel action as defined in s. 112.3187(3) or any adverse action described in s. 112.3187(4)(b), or denied employment because he or she complied with subsection (1).

908.207 Implementation.—This chapter shall be implemented to the fullest extent permitted by federal law regulating immigration and the legislative findings and intent declared in s. 908.101.

PART III
ENFORCEMENT

908.301 Complaints.—The Attorney General shall prescribe and provide through the Department of Legal Affairs’ website the format for a person to submit a complaint alleging a violation of this chapter. This section does not prohibit the filing of an anonymous complaint or a complaint not submitted in the prescribed format. Any person has standing to submit a complaint under this chapter.

908.302 Enforcement; penalties.—
(1) The state attorney for the county in which a state entity is headquartered or a law enforcement agency is located
has primary responsibility and authority for investigating credible complaints of a violation of this chapter. The results of an investigation by a state attorney shall be provided to the Attorney General in a timely manner.

(2)(a) A state entity or law enforcement agency about which the state attorney has received a complaint shall comply with a document request from the state attorney related to the complaint.

(b) If the state attorney determines that a complaint filed against a state entity or law enforcement agency is valid, the state attorney shall, not later than the 10th day after the date of the determination, provide written notification to the entity or agency that:

1. The complaint has been filed.
2. The state attorney has determined that the complaint is valid.
3. The state attorney is authorized to file an action to enjoin the violation if the entity or agency does not come into compliance with the requirements of this chapter on or before the 60th day after the notification is provided.

(c) Not later than the 30th day after the day a state entity or law enforcement agency receives written notification under paragraph (b), the entity or the agency shall provide the state attorney with a copy of:

1. The entity’s or agency’s written policies and procedures with respect to federal immigration agency enforcement actions, including the entity’s or agency’s policies and procedures with respect to immigration detainers.
2. Each immigration detainer received by the entity or
agency from a federal immigration agency in the current calendar year-to-date and the 2 prior calendar years.

3. Each response sent by the entity or agency for an immigration detainer described by subparagraph 2.

(3) The Attorney General, the state attorney who conducted the investigation, or a state attorney so ordered by the Governor pursuant to s. 27.14 may institute proceedings in circuit court to enjoin a state entity or law enforcement agency found to be in violation of this chapter. Venue of an action brought by the Attorney General may be in Leon County. The court shall expedite an action under this section, including setting a hearing at the earliest practicable date.

(4) Upon adjudication by the court or as provided in a consent decree declaring that a state entity or law enforcement agency has violated this chapter, the court shall enjoin the unlawful sanctuary policy and order that such entity or agency pay a civil penalty to the state of at least $1,000 but not more than $5,000 for each day that the sanctuary policy was in effect commencing on October 1, 2019, or the date the sanctuary policy was first enacted, whichever is later, until the date the injunction was granted. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the imposition of additional civil penalties as provided for in this section and the initiation of contempt proceedings as provided by law.

(5) An order approving a consent decree or granting an injunction or imposing civil penalties pursuant to subsection (4) must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy.
that is in violation of s. 908.201 and identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy. The court shall provide to the Governor a copy of the consent decree or order granting an injunction or imposing civil penalties which contains the written findings required by this subsection within 30 days after the date of rendition. A sanctuary policymaker identified in an order approving a consent decree or granting an injunction or imposing civil penalties may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(6) A state entity or law enforcement agency ordered to pay a civil penalty pursuant to subsection (4) shall remit such payment to the Chief Financial Officer, who shall deposit it into the General Revenue Fund.

(7) Except as required by law, public funds may not be used to defend or reimburse a sanctuary policymaker or an official, representative, agent, or employee of a state entity or law enforcement agency who knowingly and willfully violates this chapter.

908.303 Civil cause of action for personal injury or wrongful death attributed to a sanctuary policy; trial by jury; required written findings.—

(1) A person injured in this state by the tortious acts or omissions of an alien unlawfully present in the United States, or the personal representative of a person killed in this state by the tortious acts or omissions of an alien unlawfully present in the United States, has a cause of action for damages against a state entity or law enforcement agency in violation of ss.
908.201 and 908.202 upon proof by the greater weight of the
evidence of:

(a) The existence of a sanctuary policy in violation of s.
908.201; and

(b) 1. A failure to comply with s. 908.202 which results in
such alien’s having access to the person injured or killed when
the tortious acts or omissions occurred; or

2. A failure to comply with s. 908.204(1)(c) which results
in such alien’s having access to the person injured or killed
when the tortious acts or omissions occurred.

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

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

(4) A final judgment entered in favor of a plaintiff in a
cause of action brought pursuant to this section must include
written findings of fact that describe with specificity the
existence and nature of the sanctuary policy that is in
violation of s. 908.201 and that identify each sanctuary
policymaker who voted for, allowed to be implemented, or voted
against repeal or prohibition of the sanctuary policy. The court
shall provide a copy of the final judgment containing the
written findings required by this subsection to the Governor
within 30 days after the date of rendition. A sanctuary
policymaker identified in a final judgment may be suspended or
removed from office pursuant to general law and s. 7, Art. IV of
the State Constitution.

(5) Except as provided in this section, this chapter does not create a private cause of action against a state entity or law enforcement agency that complies with this chapter.

908.304 Ineligibility for state grant funding.—

(1) Notwithstanding any other provision of law, a state entity or law enforcement agency is ineligible to receive funding from nonfederal grant programs administered by state agencies that receive funding from the General appropriations Act for a period of 5 years after the date of adjudication that such state entity or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

(2) The applicable state attorney shall notify the Chief Financial Officer of an adjudicated violation of this chapter by a state entity or law enforcement agency and shall provide him or her a copy of the final court injunction, order, or judgment. Upon receiving such notice, the Chief Financial Officer shall timely inform all state agencies that administer nonfederal grant funding of the adjudicated violation by the state entity or law enforcement agency and direct such agencies to cancel all pending grant applications and enforce the ineligibility of such entity for the prescribed period.

(3) This subsection does not apply to:

(a) Funding that is received as a result of an appropriation to a specifically named state entity or law enforcement agency in the General Appropriations Act or other law.

(b) Grants awarded prior to the date of adjudication that such state entity or law enforcement agency had in effect a
sanctuary policy in violation of this chapter.

PART IV
MISCELLANEOUS

908.401 Education records.—This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

908.402 Discrimination prohibited.—A state entity or a law enforcement agency, or a person employed by or otherwise under the direction or control of such an entity or agency, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent authorized by the United States Constitution or the State Constitution.

Section 3. A sanctuary policy, as defined in s. 908.102, Florida Statutes, as created by this act, that is in effect on the effective date of this act must be repealed within 90 days after that date.

Section 4. Sections 908.302 and 908.303, Florida Statutes, as created by this act, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

---------------------------- T I T L E A M E N D M E N T ----------------------------
And the title is amended as follows:
Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to federal immigration enforcement; providing a short title; creating chapter 908, F.S., relating to federal immigration enforcement; providing legislative findings and intent; providing definitions; prohibiting sanctuary policies; requiring state entities and law enforcement agencies to comply with and support the enforcement of federal immigration law; prohibiting restrictions by such entities and agencies on taking certain actions with respect to information regarding a person’s immigration status; providing requirements concerning certain criminal defendants subject to immigration detainers or otherwise subject to transfer to federal custody; authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; providing an exception to reporting requirements for crime victims or witnesses; requiring recordkeeping relating to crime victim and witness cooperation in certain investigations; specifying duties concerning certain arrested persons; specifying duties concerning immigration detainers; authorizing state entities or law enforcement agencies to petition the Federal Government for reimbursement of certain costs; requiring reports of violations; providing penalties for failure to report violations; providing whistle-blower protections for persons who report violations; requiring the Attorney General to prescribe and provide the format for submitting complaints;
providing requirements for entities to comply with document requests from state attorneys concerning violations; providing for investigation of possible violations; providing for injunctive relief and civil penalties; providing for venue; requiring written findings; prohibiting the expenditure of public funds for specified purposes; providing a civil cause of action for personal injury or wrongful death attributed to a sanctuary policy; providing that a trial by jury is a matter of right; requiring written findings; providing for ineligibility to receive certain funding for a specified period of time; providing for applicability to certain education records; prohibiting discrimination on specified grounds; providing for implementation; requiring repeal of existing sanctuary policies within a specified period; providing effective dates.