Senator Lee moved the following:

Senate Amendment to Senate Amendment (406006) to House Amendment

Delete lines 62 - 97 and insert:

enforcement agency with respect to a person who has been arrested or incarcerated for an alleged criminal act from complying with 8 U.S.C. s. 1373 or from communicating or cooperating with a federal immigration agency so as to limit or prohibit such 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 law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or

(e) Providing a federal immigration agency with an inmate’s incarceration status or release date.

(7) “State entity” means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

908.103 Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

908.104 Cooperation with federal immigration authorities.—

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the 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, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the
following actions with respect to information regarding the immigration status of a person who has been arrested or incarcerated for an alleged criminal act: