

**The Florida Senate**  
**HOUSE MESSAGE SUMMARY**

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Prepared By: The Professional Staff of the Committee on Judiciary

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[2019s00168.hms]

BILL: CS/CS/CS SB 168

INTRODUCER: Rules; Infrastructure and Security; Judiciary and Sen. Gruters and Others

SUBJECT: Federal Immigration Enforcement

DATE: May 1, 2019

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**I. Amendments Contained in Message:**

**House Amendment 1 – 159253 to CS/CS/CS SB 168 (Body with title)**

**II. Summary of Amendments Contained in Message:**

House Amendment 1 is nearly identical to HB 527 as it was passed by the House. The amendment enlarges the scope of the underlying Senate Bill.

The amendment differs from SB 168 as passed by the Senate in that it prohibits any state or local governmental entity or law enforcement agency from having a sanctuary policy. The Senate bill only required law enforcement agencies to cooperate with a federal immigration agency and prohibited state and local governmental entities from restricting a law enforcement agency's cooperation with a federal immigration agency.

The House amendment also contains mechanisms to enforce the ban on sanctuary policies that were not contained in the Senate bill. The Senate bill allows the Governor or Attorney General to pursue declaratory or injunctive relief.

The House amendment allows for enforcement of the ban on sanctuary policies by the Governor and the Attorney General. But the amendment provides that state attorneys are primarily responsible for investigating complaints and enforcing the bill. The amendment further requires courts to order entities or agencies found to have had a sanctuary policy in effect to pay fines of \$1,000 to \$5,000 per day that the policy was in effect. Court orders based on a finding of the existence of a sanctuary policy must also identify sanctuary policymakers responsible for the policy. Those identified as sanctuary policymakers are subject to further actions by the Governor which include suspension or removal from office as authorized by state law and the State Constitution. Public funds may not be used to defend or reimburse a sanctuary policymaker who knowingly and willfully violates the bill.

Under the House amendment, a civil cause of action is authorized against a state or local governmental entity or law enforcement agency for a personal injury or wrongful death that is the result of the entity's sanctuary policy. Finally, under the amendment, a state or local governmental entity or law enforcement agency is ineligible to receive funding from certain non-

federal grant programs administered by state agencies for 5 years after having been found to have a sanctuary policy.