1 A bill to be entitled 2 An act relating to immigration enforcement; amending 3 s. 908.102, F.S.; revising the definition of the term 4 "sanctuary policy" to include specified laws, 5 policies, practices, procedures, or customs that limit 6 or prohibit a law enforcement agency from providing 7 specified immigration information to a state entity; 8 creating s. 908.11, F.S.; requiring each law 9 enforcement agency operating a county detention facility to enter into a specified agreement with the 10 11 United States Immigration and Customs Enforcement to assist with immigration enforcement; requiring such 12 13 agency to report specified information concerning such 14 agreement quarterly to the Department of Law 15 Enforcement; creating s. 908.111, F.S.; providing 16 definitions; prohibiting a governmental entity from 17 executing, amending, or renewing a contract with common carriers under certain circumstances; requiring 18 19 specified governmental entity contracts with common carriers to include specified provisions on or after a 20 21 certain date; requiring the Department of Management 22 Services to develop a specified form; providing an 23 effective date. 24 25 Be It Enacted by the Legislature of the State of Florida:

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26 27 Section 1. Subsection (6) of section 908.102, Florida 28 Statutes, is amended to read: 29 908.102 Definitions.-As used in this chapter, the term: 30 (6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or 31 32 local governmental entity which prohibits or impedes a law 33 enforcement agency from complying with 8 U.S.C. s. 1373 or which 34 prohibits or impedes a law enforcement agency from communicating 35 or cooperating with a federal immigration agency so as to limit 36 such law enforcement agency in, or prohibit the agency from: Complying with an immigration detainer; 37 (a) Complying with a request from a federal immigration 38 (b) 39 agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency; 40 41 (C) Providing a federal immigration agency access to an 42 inmate for interview; 43 (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 44 45 1357 as required by s. 908.11; or 46 (e) Providing a federal immigration agency with an 47 inmate's incarceration status or release date; or 48 (f) Providing information to a state entity on the 49 immigration status of an inmate or detainee in the custody of the law enforcement agency. 50 Page 2 of 5

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51	Section 2. Section 908.11, Florida Statutes, is created to
52	read:
53	908.11 Immigration enforcement assistance agreements;
54	reporting requirement
55	(1) By January 1, 2023, each law enforcement agency
56	operating a county detention facility must enter into a written
57	agreement with the United States Immigration and Customs
58	Enforcement to participate in the immigration program
59	established under s. 287(g) of the Immigration and Nationality
60	Act, 8 U.S.C. s. 1357. This subsection does not require a law
61	enforcement agency to participate in a particular program model.
62	(2) Beginning no later than October 1, 2022, and until the
63	law enforcement agency enters into the written agreement
64	required under subsection (1), each law enforcement agency
65	operating a county detention facility must notify the Department
66	of Law Enforcement quarterly of the status of such written
67	agreement and any reason for noncompliance with this section, if
68	applicable.
69	Section 3. Section 908.111, Florida Statutes, is created
70	to read:
71	908.111 Prohibition against governmental entity contracts
72	with common carriers; required termination provisions
73	(1) As used in this section, the term:
74	(a) "Common carrier" means a person, firm, or corporation
75	that undertakes for hire, as a regular business, to transport
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76	persons or commodities from place to place offering his or her
77	services to all such as may choose to employ the common carrier
78	and pay his or her charges.
79	(b) "Governmental entity" means an agency of the state, a
80	
	regional or a local government created by the State Constitution
81	or by general or special act, a county or municipality, or any
82	other entity that independently exercises governmental
83	authority.
84	(c) "Unauthorized alien" means a person who is not
85	authorized under federal law to be employed in the United
86	States, as described in 8 U.S.C. s. 1324a(h)(3). The term shall
87	be interpreted consistently with that section and any applicable
88	federal rules or regulations.
89	(2) A governmental entity may not execute, amend, or renew
90	a contract with a common carrier if the carrier is willfully
91	providing any service in furtherance of transporting an
92	unauthorized alien into the State of Florida knowing that the
93	unauthorized alien entered into or remains in the United States
94	in violation of law.
95	(3) A contract between a governmental entity and a common
96	carrier which is executed, amended, or renewed on or after
97	October 1, 2022, including a grant agreement or economic
98	incentive program payment agreement, must include:
99	(a) An attestation by the common carrier, verified as
100	provided in s. 92.525, that the common carrier is not willfully
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101	providing and will not willfully provide any service during the
102	contract term in furtherance of transporting an unauthorized
103	alien into the state knowing that the unauthorized alien entered
104	into or remains in the United States in violation of law. A
105	governmental entity is deemed to be in compliance with
106	subsection (2) upon receipt of the common carrier's attestation.
107	(b) A provision for termination for cause of the contract,
108	grant agreement, or economic incentive program payment agreement
109	if a common carrier, despite the attestation, is found to be
110	willfully providing any service in furtherance of transporting
111	an unauthorized alien into the state knowing the unauthorized
112	alien entered into or remains in the United States in violation
113	of law.
114	(4) The Department of Management Services shall develop by
115	rule a common carrier attestation form no later than August 30,
116	<u>2022.</u>
117	Section 4. This act shall take effect upon becoming a law.
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