

26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsection (6) of section 908.102, Florida
 29 Statutes, is amended to read:

30 908.102 Definitions.—As used in this chapter, the term:

31 (6) "Sanctuary policy" means a law, policy, practice,
 32 procedure, or custom adopted or allowed by a state entity or
 33 local governmental entity which prohibits or impedes a law
 34 enforcement agency from complying with 8 U.S.C. s. 1373 or which
 35 prohibits or impedes a law enforcement agency from communicating
 36 or cooperating with a federal immigration agency so as to limit
 37 such law enforcement agency in, or prohibit the agency from:

38 (a) Complying with an immigration detainer;

39 (b) Complying with a request from a federal immigration
 40 agency to notify the agency before the release of an inmate or
 41 detainee in the custody of the law enforcement agency;

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

44 (d) Participating in any program or agreement authorized
 45 under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s.
 46 1357 as required by s. 908.11; ~~or~~

47 (e) Providing a federal immigration agency with an
 48 inmate's incarceration status or release date; or

49 (f) Providing information to a state entity on the
 50 immigration status of an inmate or detainee in the custody of

51 the law enforcement agency.

52 Section 2. Section 908.11, Florida Statutes, is created to
53 read:

54 908.11 Immigration enforcement assistance agreements;
55 reporting requirement.-

56 (1) By January 1, 2023, each law enforcement agency
57 operating a county detention facility must enter into a written
58 agreement with the United States Immigration and Customs
59 Enforcement to participate in the immigration program
60 established under s. 287(g) of the Immigration and Nationality
61 Act, 8 U.S.C. s. 1357. This subsection does not require a law
62 enforcement agency to participate in a particular program model.

63 (2) Beginning no later than October 1, 2022, and until the
64 law enforcement agency enters into the written agreement
65 required under subsection (1), each law enforcement agency
66 operating a county detention facility must notify the Department
67 of Law Enforcement quarterly of the status of such written
68 agreement and any reason for noncompliance with this section, if
69 applicable.

70 Section 3. Section 908.111, Florida Statutes, is created
71 to read:

72 908.111 Prohibition against governmental entity contracts
73 with common carriers or contracted carriers; required
74 termination provisions.-

75 (1) As used in this section, the term:

76 (a) "Common carrier" means a person, firm, or corporation
 77 that undertakes for hire, as a regular business, to transport
 78 persons or commodities from place to place, offering his or her
 79 services to all such as may choose to employ the common carrier
 80 and pay his or her charges.

81 (b) "Contract" means an agreement that is subject to the
 82 competitive procurement requirements of the contracting
 83 governmental entity or an agreement for an amount or duration
 84 requiring it to include written provisions under the procurement
 85 requirements of the contracting governmental entity.

86 (c) "Governmental entity" means an agency of the state, a
 87 regional or local government created by the State Constitution
 88 or by general or special act, a county or municipality, or any
 89 other entity that independently exercises governmental
 90 authority.

91 (d) "Unauthorized alien" means a person who is unlawfully
 92 present in the United States according to the terms of the
 93 Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The
 94 term shall be interpreted consistently with any applicable
 95 federal statutes, rules, or regulations.

96 (2) A governmental entity may not execute, amend, or renew
 97 a contract, including a grant agreement or economic incentive
 98 program payment agreement, with a common carrier or contracted
 99 carrier if the carrier is willfully providing any service in
 100 furtherance of transporting a person into the state knowing that

101 the person is an unauthorized alien, except to facilitate the
102 detention of the person, or the removal or departure of the
103 person from the state or the United States.

104 (3) A contract between a governmental entity and a common
105 carrier or contracted carrier which is executed, amended, or
106 renewed on or after October 1, 2022, including a grant agreement
107 or economic incentive program payment agreement, must include:

108 (a) An attestation by the common carrier or contracted
109 carrier, in conformity with s. 92.525, that the common carrier
110 or contracted carrier is not willfully providing and will not
111 willfully provide any service during the contract term in
112 furtherance of transporting a person into the state knowing that
113 the person is an unauthorized alien, except to facilitate the
114 detention of the person, or the removal or departure of the
115 person from the state or the United States. A governmental
116 entity is deemed to be in compliance with subsection (2) upon
117 receipt of the common carrier's or contracted carrier's
118 attestation; and

119 (b) A provision for termination for cause of the contract,
120 including a grant agreement or economic incentive program
121 payment agreement, if a common carrier or contracted carrier is
122 found in violation of its attestation.

123 (4) The Department of Management Services shall develop by
124 rule a common carrier and contracted carrier attestation form no
125 later than August 30, 2022.

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2022

126 | Section 4. This act shall take effect upon becoming a law. |