

Exhibit 1

CHAPTER 2019-102

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 168

An act relating to federal immigration enforcement; creating chapter 908, F.S., relating to federal immigration enforcement; providing legislative findings and intent; providing definitions; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; prohibiting restrictions by the 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; providing applicability; specifying duties concerning immigration detainers; requiring county correctional facilities to enter agreements for payments for complying with immigration detainers; providing for enforcement; providing for declaratory or injunctive relief; requiring a court to enjoin unlawful sanctuary policies; requiring written findings of fact under certain circumstances; 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.

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

Section 1. Chapter 908, Florida Statutes, consisting of sections 908.101-908.109, is created to read:

CHAPTER 908

FEDERAL IMMIGRATION ENFORCEMENT

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within this state.

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.

(2) “Immigration detainer” means a facially sufficient written or electronic request issued by a federal immigration 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 along with a warrant described in paragraph (c). 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; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal 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, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff’s offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) “Local governmental entity” means any county, municipality, or other political subdivision of this state.

(6) “Sanctuary policy” means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the 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 a person's immigration status:

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

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

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

(d) Using the information to comply with an immigration detainer.

(e) Using the 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. 908.105 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, when the judge sentences a defendant who is the subject of an immigration detainer to 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 12 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 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(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, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency’s custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental 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 the 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 the offense.

(6) A state entity, local governmental 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 the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

(7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

(8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

908.105 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) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with 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 cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.106 Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or

detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

908.107 Enforcement.—

(1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

(2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

(3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

(4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

908.108 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.

908.109 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of the 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 2. A sanctuary policy, as defined in s. 908.102, Florida Statutes, that is in effect on the effective date of this act violates the public policy of this state and must be repealed within 90 days after that date.

Section 3. Section 908.107, 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.

Approved by the Governor June 14, 2019.

Filed in Office Secretary of State June 14, 2019.

Exhibit 2

Subject: Fw: Request to sponsor bills
Date: Tuesday, December 13, 2016 at 5:51:45 PM Eastern Standard Time
From: Nicklas, Austin
To: Endicott, Joseph
Attachments: image001.jpg, image002.jpg, florida e-verify legislation (SR).docx, Flimen FL Anti-Sanctuary Legislation.docx

Request to sponsor bills from Floridians for Immigration Enforcement.

Austin

----- Original message-----

From: Jack Oliver
Date: Tue, Dec 13, 2016 10:46 AM
To: Nicklas, Austin;
Cc:
Subject: Request to sponsor bills



Floridians for Immigration Enforcement

www.flimen.org

When immigration is viewed only racially and culturally, limits and legality will never be imposed. The debate must focus on limitations and lawfulness, otherwise open borders will make the United States a marketplace instead of a country.

Senator Bean
December 13, 2016
RE. Request to Sponsor Bills

Dear Senator Bean

Floridians for Immigration Enforcement (www.flimen.org) is seeking sponsorship for our mandatory E-Verify bill and our anti-sanctuary city bill. We have house sponsorship for the E-Verify bill and are reaching out to several house members to sponsor the anti-sanctuary city bill. I know you have taken a stand for the citizens of Florida on Immigration issues in the past and hope that you will take a stand this legislative session by being the sponsor for these important bills. Thank You

Best Regards

Jack Oliver
Legislative Director for Floridians for Immigration Enforcement
772-215-8424
jack@flimen.org

jackoiver1950@gmail.com
jackoiver1950@gmail.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com

Exhibit 3

SECTION 1. TITLE.

This Act shall be known as the “Secure our Streets” or “SOS” Act.

SECTION 2. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

- (a) “Department of Homeland Security” means the United States Department of Homeland Security and any of its agencies, including the United States Immigration and Customs Enforcement and the United States Border Patrol, and any successor department or agency. The term includes officials, representatives, agents, and employees.
- (b) “Immigration detainer” means a written request issued on behalf of the United States Department of Homeland Security to another federal, state, or local law enforcement agency to provide notice of release and to detain an individual based on an inquiry into immigration status or an alleged violation of a civil immigration law, including detainers issued pursuant to 8 C.F.R. 287.7, 8 C.F.R. 236.1, or on the Department of Homeland Security Form I-247N “Request for Voluntary Notification of Release of Suspected Priority Alien”, Form I-247D “Immigration Detainer – Request for Voluntary Action”, or pursuant to any successor form or regulation.
- (c) “Inmate” means any individual in the custody of a law enforcement agency.
- (d) “Law enforcement agency” means an agency in the state or a political subdivision thereof charged with enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in the state, and includes but is not limited to county and other municipal police departments, sheriffs’ departments, state police, campus police, and the Florida Department of Law Enforcement. The term includes officials, representatives, agents, and employees.
- (e) “Local entity” means any city, county, municipality, town or other political subdivision of this state, including law enforcement agencies. The term includes officials, representatives, agents, and employees.
- (f) “State entity” means any agency, bureau, commission, council, department, or other office established under the laws of the state, including law enforcement agencies. The term includes officials, representatives, agents, and employees.

SECTION 3. PROHIBITION OF SANCTUARY POLICIES.

- (a) No state or local entity may prohibit, or in any way restrict, any state or local entity from sending to, or receiving from, the Department of Homeland Security, information regarding the citizenship or immigration status, lawful or unlawful, of any individual.
- (b) No state or local entity may prohibit, or in any way restrict, any state or local entity taking any of the following actions with respect to information regarding immigration status, lawful or unlawful, of any individual:
 - (1) Sending such information to, or requesting or receiving such information from, the Department of Homeland Security;
 - (2) Maintaining such information;
 - (3) Exchanging such information with any other federal, state, or local entity;
 - (4) Determining eligibility for any public benefit, service, or license provided by federal law or a law of this state or its political subdivisions;
 - (5) Verifying a claim of residence or domicile if a determination of residence or domicile is required under federal law or a law of this state or its political subdivisions or under a judicial order issued pursuant to a civil or criminal proceeding in this state; or
 - (6) Confirming the identity of a person who is detained by a law enforcement agency.
- (c) All state and local entities shall fully comply with and, to the full extent permitted by law, support the enforcement of federal immigration law.
- (d) No state or local entity may limit or restrict the enforcement of federal immigration law, including, but not limited to, limiting or restricting a state or local entity from complying with an immigration detainer, limiting or restricting a state or local entity from providing a federal immigration official access to an inmate for an interview, limiting or restricting a state or local entity from initiating an immigration status investigation, or limiting or restricting a state or local entity from providing a federal immigration official with the incarceration status or release date of an inmate in custody of a state or local entity.
- (e) Notwithstanding any other law or policy, a law enforcement agency may securely transport an alien whom the agency has received verification from the Department of Homeland Security is unlawfully present in the United States and who is in the law enforcement agency's custody to a federal facility in this state or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement

agency. A law enforcement agency shall obtain judicial authorization before securely transporting an alien who is unlawfully present in the United States to a point of transfer that is outside of this state.

SECTION 4. COMPLAINT PROCESS; PENALTIES.

- (a) The attorney general shall receive complaints regarding any violation of Section 3. Such complaints may be submitted by any resident of this state, and shall be submitted in writing in such form and manner as prescribed by the attorney general. In lieu of submitting a complaint, any member of the state legislature may request, at any time, that the attorney general investigate and issue an opinion as to whether a state or local entity has violated Section 3.
- (b) Upon receiving a complaint or request, the attorney general shall investigate and determine whether a violation of Section 3 has occurred. The attorney general shall issue and make public an opinion stating whether the state or local entity, which is the subject of the complaint or request, has enacted or adopted a policy, law, regulation, or other written or unwritten directive in violation of Section 3. Upon the issuance of such an opinion by the attorney general that a state or local entity has violated Section 3, the entity shall become ineligible to receive any moneys that would otherwise be remitted to it by a state agency. Such ineligibility shall commence on the date such opinion is issued, and shall continue until such time that as the attorney general certifies that such policy, law, regulation or other written or unwritten directive is repealed or is no longer in effect.
- (c) The attorney general shall send to the state or local entity that was the subject of the investigation and to the state treasurer a copy of any opinion issued pursuant to this section and any certification by the attorney general that a violation of Section 3 is no longer in effect.

SECTION 5. CAUSE OF ACTION TO ENJOIN SANCTUARY POLICY.

- (a) In the event the attorney general fails to investigate a complaint pursuant to section 4, any resident of the state may bring an action in a county court to challenge a suspected violation of Section 3. The court shall expedite any action under this section, including assigning the hearing at the earliest practicable date.
- (b) If there is a judicial finding that a state or local entity has violated Section 3, the court shall enjoin such policy or practice.
- (c) The court may award court costs and reasonable attorney fees to the prevailing party in a proceeding brought pursuant to this section.

SECTION 6. CAUSE OF ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH ATTRIBUTED TO A SANCTUARY POLICY.

A person injured by the tortious acts or omissions of an alien unlawfully present in the United States, or the personal representative of a person killed 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 or local entity if the entity was in violation of Section 3 at the time such tortious act or omission occurred.

SECTION 7. DUTY TO REPORT.

Every person holding public office or having official duties as a representative, agent, or employee of the state or a local entity shall have a duty to report a violation of Section 3 of this act. Persons reporting under this Section shall be protected under Florida's "Whistle-blower's Act."

SECTION 8. IMPLEMENTATION; SEVERABILITY.

- (a) This Act shall be effective upon enactment and implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.
- (b) In complying with the requirements of this Act, a law enforcement officer may not consider an individual's race, color, or national origin, except to the extent permitted by the United States or Florida constitutions.
- (c) If any part or provision of this Act is in conflict or inconsistent with applicable provisions of federal law, or otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable laws or regulations, and the remainder of this Act shall not be affected thereby.

Exhibit 4

CHAPTER 2019-102

Committee Substitute for Committee Substitute for
Committee Substitute for Senate Bill No. 168

An act relating to federal immigration enforcement; creating chapter 908, F.S., relating to federal immigration enforcement; providing legislative findings and intent; providing definitions; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; prohibiting restrictions by the 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; providing applicability; specifying duties concerning immigration detainers; requiring county correctional facilities to enter agreements for payments for complying with immigration detainers; providing for enforcement; providing for declaratory or injunctive relief; requiring a court to enjoin unlawful sanctuary policies; requiring written findings of fact under certain circumstances; 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.

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FEDERAL IMMIGRATION ENFORCEMENT

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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,

Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

any successor agency, and any other federal agency charged with the enforcement of immigration law.

(2) “Immigration detainer” means a facially sufficient written or electronic request issued by a federal immigration 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 along with a warrant described in paragraph (c). 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; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/ Deportation or a successor warrant or other warrant authorized by federal 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, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff’s offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) “Local governmental entity” means any county, municipality, or other political subdivision of this state.

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

(a) Complying with an immigration detainer;

Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

(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.

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(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 a person's immigration status:

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

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

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

(d) Using the information to comply with an immigration detainer.

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

Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

(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. 908.105 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, when the judge sentences a defendant who is the subject of an immigration detainer to 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 12 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 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(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, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency’s custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental 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 the 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 the offense.

Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

(6) A state entity, local governmental 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 the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

(7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

(8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

908.105 Duties related to immigration detainees.—

(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) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with 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 cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

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Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

908.107 Enforcement.—

(1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

(2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

(3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

(4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

908.108 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.

908.109 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of the 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 2. A sanctuary policy, as defined in s. 908.102, Florida Statutes, that is in effect on the effective date of this act violates the public policy of this state and must be repealed within 90 days after that date.

Section 3. Section 908.107, 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.

Approved by the Governor June 14, 2019.

Ch. 2019-102

LAWS OF FLORIDA

Ch. 2019-102

Filed in Office Secretary of State June 14, 2019.

7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Exhibit 5

By Senator Gruters

23-00406A-19

2019168

1 A bill to be entitled
2 An act relating to federal immigration enforcement;
3 providing a short title; creating chapter 908, F.S.,
4 relating to federal immigration enforcement; providing
5 legislative findings and intent; providing
6 definitions; prohibiting sanctuary policies; requiring
7 state entities, local governmental entities, and law
8 enforcement agencies to comply with and support the
9 enforcement of federal immigration law; prohibiting
10 restrictions by such entities and agencies on taking
11 certain actions with respect to information regarding
12 a person's immigration status; providing requirements
13 concerning certain criminal defendants subject to
14 immigration detainers or otherwise subject to transfer
15 to federal custody; authorizing a law enforcement
16 agency to transport an alien unlawfully present in the
17 United States under certain circumstances; providing
18 an exception to reporting requirements for crime
19 victims or witnesses; requiring recordkeeping relating
20 to crime victim and witness cooperation in certain
21 investigations; specifying duties concerning certain
22 arrested persons; specifying duties concerning
23 immigration detainers; authorizing a board of county
24 commissioners to adopt an ordinance to recover costs
25 for complying with an immigration detainer;
26 authorizing local governmental entities and law
27 enforcement agencies to petition the Federal
28 Government for reimbursement of certain costs;
29 requiring reports of violations; providing penalties

23-00406A-19

2019168

30 for failure to report violations; providing whistle-
31 blower protections for persons who report violations;
32 requiring the Attorney General to prescribe and
33 provide the format for submitting complaints;
34 providing requirements for entities to comply with
35 document requests from state attorneys concerning
36 violations; providing for investigation of possible
37 violations; providing for injunctive relief and civil
38 penalties; providing for venue; requiring written
39 findings; prohibiting the expenditure of public funds
40 for specified purposes; providing a civil cause of
41 action for personal injury or wrongful death
42 attributed to a sanctuary policy; providing that a
43 trial by jury is a matter of right; requiring written
44 findings; providing for ineligibility to receive
45 certain funding for a specified period of time;
46 providing for applicability to certain education
47 records; prohibiting discrimination on specified
48 grounds; providing for implementation; requiring
49 repeal of existing sanctuary policies within a
50 specified period; providing effective dates.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Short title.—This act may be cited as the “Rule
55 of Law Adherence Act.”

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

58 CHAPTER 908

23-00406A-19

2019168__

FEDERAL IMMIGRATION ENFORCEMENT

PART I

FINDINGS AND INTENT AND DEFINITIONS

59 908.101 Legislative findings and intent.—The Legislature
60 finds that it is an important state interest that state and
61 local governmental entities and their officials have an
62 affirmative duty to all citizens and other persons lawfully
63 present in the United States to assist the Federal Government in
64 the enforcement of federal immigration laws within this state,
65 including their compliance with federal immigration detainers.
66 The Legislature further finds that it is an important state
67 interest that, in the interest of public safety and adherence to
68 federal law, this state support federal immigration enforcement
69 efforts and ensure that such efforts are not impeded or thwarted
70 by state or local laws, policies, practices, procedures, or
71 customs. State and local governmental entities and their
72 officials who encourage persons unlawfully present in the United
73 States to locate within this state or who shield such persons
74 from personal responsibility for their unlawful actions breach
75 this duty and should be held accountable.

76 908.102 Definitions.—As used in this chapter, the term:

77 (1) "Federal immigration agency" means the United States
78 Department of Justice and the United States Department of
79 Homeland Security, a division within such an agency, including
80 United States Immigration and Customs Enforcement and United
81 States Customs and Border Protection, any successor agency, and
82 any other federal agency charged with the enforcement of
83 immigration law. The term includes an official or employee of
84 such an agency.

23-00406A-19

2019168

88 (2) "Immigration detainer" means a facially sufficient
89 written or electronic request issued by a federal immigration
90 agency using that agency's official form to request that another
91 law enforcement agency detain a person based on probable cause
92 to believe that the person to be detained is a removable alien
93 under federal immigration law, including detainers issued
94 pursuant to 8 U.S.C. ss. 1226 and 1357. For purposes of this
95 subsection, an immigration detainer is deemed facially
96 sufficient if:

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

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

110 (3) "Inmate" means a person in the custody of a law
111 enforcement agency.

112 (4) "Law enforcement agency" means an agency in this state
113 charged with enforcement of state, county, municipal, or federal
114 laws or with managing custody of detained persons in the state
115 and includes municipal police departments, sheriff's offices,
116 state police departments, state university and college police

23-00406A-19

2019168

117 departments, and the Department of Corrections. The term
 118 includes an official or employee of such an agency.

119 (5) "Local governmental entity" means any county,
 120 municipality, or other political subdivision of this state. The
 121 term includes a person holding public office or having official
 122 duties as a representative, agent, or employee of such entity.

123 (6) "Sanctuary policy" means a law, policy, practice,
 124 procedure, or custom adopted or permitted by a state entity,
 125 local governmental entity, or law enforcement agency which
 126 contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly
 127 prohibits or impedes a law enforcement agency from communicating
 128 or cooperating with a federal immigration agency with respect to
 129 federal immigration enforcement, including, but not limited to,
 130 limiting a state entity, local governmental entity, or law
 131 enforcement agency in, or prohibiting such an entity or agency
 132 from:

133 (a) Complying with an immigration detainer;

134 (b) Complying with a request from a federal immigration
 135 agency to notify the agency before the release of an inmate or
 136 detainee in the custody of the state entity, local governmental
 137 entity, or law enforcement agency;

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

140 (d) Initiating an immigration status investigation; or

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

143 (7) "Sanctuary policymaker" means a state or local elected
 144 official, or an appointed official of the governing body of a
 145 local governmental entity, who has voted for, allowed to be

23-00406A-19

2019168__

146 implemented, or voted against repeal or prohibition of a
 147 sanctuary policy.

148 (8) "State entity" means the state or any office, board,
 149 bureau, commission, department, branch, division, or institution
 150 thereof, including institutions within the State University
 151 System and the Florida College System. The term includes a
 152 person holding public office or having official duties as a
 153 representative, agent, or employee of such entity.

154 PART II

155 DUTIES

156 908.201 Sanctuary policies prohibited.—A state entity, law
 157 enforcement agency, or local governmental entity may not adopt
 158 or have in effect a sanctuary policy.

159 908.202 Cooperation with federal immigration authorities.—

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

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

173 (a) Sending such information to or requesting, receiving,
 174 or reviewing such information from a federal immigration agency

23-00406A-19

2019168__

175 for purposes of this chapter.

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

178 (c) Exchanging such information with a federal immigration
179 agency or another state entity, local governmental entity, or
180 law enforcement agency for purposes of this chapter.

181 (d) Using such information to determine eligibility for a
182 public benefit, service, or license pursuant to federal or state
183 law or an ordinance or regulation of a local governmental
184 entity.

185 (e) Using such information to verify a claim of residence
186 or domicile if a determination of residence or domicile is
187 required under federal or state law, an ordinance or regulation
188 of a local governmental entity, or a judicial order issued
189 pursuant to a civil or criminal proceeding in this state.

190 (f) Using such information to comply with an immigration
191 detainer.

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

194 (3) (a) For purposes of this subsection the term "applicable
195 criminal case" means a criminal case in which:

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

198 2. The judge:

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

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

203 (b) In an applicable criminal case, at the time of

23-00406A-19

2019168__

204 pronouncement of a sentence of confinement, the judge shall
205 issue an order requiring the secure correctional facility in
206 which the defendant is to be confined to reduce the defendant's
207 sentence by a period of not more than 7 days on the facility's
208 determination that the reduction in sentence will facilitate the
209 seamless transfer of the defendant into federal custody. For
210 purposes of this paragraph, the term "secure correctional
211 facility" means a state correctional institution as defined in
212 s. 944.02 or a county detention facility or a municipal
213 detention facility as defined in s. 951.23.

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

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

229 (5) This section does not require a state entity, local
230 governmental entity, or law enforcement agency to provide a
231 federal immigration agency with information related to a victim
232 of or a witness to a criminal offense if such victim or witness

23-00406A-19

2019168__

233 timely and in good faith responds to the entity's or agency's
234 request for information and cooperation in the investigation or
235 prosecution of such offense.

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

244 908.203 Duties related to certain arrested persons.—

245 (1) If a person is arrested and is unable to provide proof
246 of his or her lawful presence in the United States, not later
247 than 48 hours after the person is arrested, and before the
248 person is released on bond, a law enforcement agency performing
249 the booking process:

250 (a) Shall review any information available from a federal
251 immigration agency.

252 (b) If information obtained under paragraph (a) reveals
253 that the person is not a citizen of the United States and is
254 unlawfully present in the United States according to the terms
255 of the federal Immigration and Nationality Act, 8 U.S.C. ss.
256 1101 et seq., must:

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

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

261 3. Record the person's arrest and charges in the person's

23-00406A-19

2019168__

262 case file.

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

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

271 908.204 Duties related to immigration detainers.-

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

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

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

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

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

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

23-00406A-19

2019168

291 908.205 Reimbursement of costs.-

292 (1) A board of county commissioners may adopt an ordinance
 293 requiring a person detained pursuant to an immigration detainer
 294 to reimburse the county for any expenses incurred in detaining
 295 the person pursuant to the immigration detainer. A person
 296 detained pursuant to an immigration detainer is not liable under
 297 this section if a federal immigration agency determines that the
 298 immigration detainer was improperly issued.

299 (2) A local governmental entity or law enforcement agency
 300 may petition the Federal Government for reimbursement of the
 301 entity's or agency's detention costs and the costs of compliance
 302 with federal requests when such costs are incurred in support of
 303 the enforcement of federal immigration law.

304 908.206 Duty to report.-

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

310 (2) An official, representative, agent, or employee of a
 311 state entity, local governmental entity, or law enforcement
 312 agency who willfully and knowingly fails to report a known or
 313 probable violation of this chapter may be suspended or removed
 314 from office pursuant to general law and s. 7, Art. IV of the
 315 State Constitution.

316 (3) A state entity, local governmental entity, or law
 317 enforcement agency may not dismiss, discipline, take any adverse
 318 personnel action as defined in s. 112.3187(3) against, or take
 319 any adverse action described in s. 112.3187(4) (b) against, an

23-00406A-19

2019168

320 official, representative, agent, or employee for complying with
 321 subsection (1).

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

329 908.207 Implementation.—This chapter shall be implemented
 330 to the fullest extent permitted by federal law regulating
 331 immigration and the legislative findings and intent declared in
 332 s. 908.101.

333 PART III

334 ENFORCEMENT

335 908.301 Complaints.—The Attorney General shall prescribe
 336 and provide through the Department of Legal Affairs' website the
 337 format for a person to submit a complaint alleging a violation
 338 of this chapter. This section does not prohibit the filing of an
 339 anonymous complaint or a complaint not submitted in the
 340 prescribed format. Any person has standing to submit a complaint
 341 under this chapter.

342 908.302 Enforcement; penalties.—

343 (1) The state attorney for the county in which a state
 344 entity is headquartered or in which a local governmental entity
 345 or law enforcement agency is located has primary responsibility
 346 and authority for investigating credible complaints of a
 347 violation of this chapter. The results of an investigation by a
 348 state attorney shall be provided to the Attorney General in a

23-00406A-19

2019168__

349 timely manner.

350 (2) (a) A state entity, local governmental entity, or law
351 enforcement agency about which the state attorney has received a
352 complaint shall comply with a document request from the state
353 attorney related to the complaint.

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

359 1. The complaint has been filed.

360 2. The state attorney has determined that the complaint is
361 valid.

362 3. The state attorney is authorized to file an action to
363 enjoin the violation if the entity or agency does not come into
364 compliance with the requirements of this chapter on or before
365 the 60th day after the notification is provided.

366 (c) No later than the 30th day after the day a state
367 entity, local governmental entity, or law enforcement agency
368 receives written notification under paragraph (b), the entity or
369 agency shall provide the state attorney with a copy of:

370 1. The entity's or agency's written policies and procedures
371 with respect to federal immigration agency enforcement actions,
372 including the entity's or agency's policies and procedures with
373 respect to immigration detainers.

374 2. Each immigration detainer received by the entity or
375 agency from a federal immigration agency in the current calendar
376 year-to-date and the 2 prior calendar years.

377 3. Each response sent by the entity or agency for an

23-00406A-19

2019168__

378 immigration detainer described by subparagraph 2.

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

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

401 (5) An order approving a consent decree or granting an
402 injunction or imposing civil penalties pursuant to subsection
403 (4) must include written findings of fact that describe with
404 specificity the existence and nature of the sanctuary policy
405 that is in violation of s. 908.201 and identify each sanctuary
406 policymaker who voted for, allowed to be implemented, or voted

23-00406A-19

2019168__

407 against repeal or prohibition of the sanctuary policy. The court
 408 shall provide to the Governor a copy of the consent decree or
 409 order granting an injunction or imposing civil penalties which
 410 contains the written findings required by this subsection within
 411 30 days after the date of rendition. A sanctuary policymaker
 412 identified in an order approving a consent decree or granting an
 413 injunction or imposing civil penalties may be suspended or
 414 removed from office pursuant to general law and s. 7, Art. IV of
 415 the State Constitution.

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

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

425 908.303 Civil cause of action for personal injury or
 426 wrongful death attributed to a sanctuary policy; trial by jury;
 427 required written findings.-

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

23-00406A-19

2019168

436 (a) The existence of a sanctuary policy in violation of s.
437 908.201; and

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

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

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

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

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

464 (5) Except as provided in this section, this chapter does

23-00406A-19

2019168__

465 not create a private cause of action against a state entity,
466 local governmental entity, or law enforcement agency that
467 complies with this chapter.

468 908.304 Ineligibility for state grant funding.-

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

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

488 (3) This subsection does not apply to:

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

493 (b) Grants awarded prior to the date of adjudication that

23-00406A-19

2019168__

494 such state entity, local governmental entity, or law enforcement
495 agency had in effect a sanctuary policy in violation of this
496 chapter.

497 PART IV

498 MISCELLANEOUS

499 908.401 Education records.—This chapter does not apply to
500 the release of information contained in education records of an
501 educational agency or institution, except in conformity with the
502 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s.
503 1232g.

504 908.402 Discrimination prohibited.—A state entity, a local
505 governmental entity, or a law enforcement agency, or a person
506 employed by or otherwise under the direction or control of such
507 an entity or agency, may not base its actions under this chapter
508 on the gender, race, religion, national origin, or physical
509 disability of a person except to the extent authorized by the
510 United States Constitution or the State Constitution.

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

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

Exhibit 6

Sanctuary Jurisdictions in Florida

It is difficult to determine how many sanctuary jurisdictions, if any, exist in Florida because organizations use different criteria for making their determinations. For example, the Federation for American Immigration Reform (FAIR) released a list of sanctuary jurisdictions in May 2018 which stated that, as of April 2018, 12 counties and 3 cities qualified as Florida sanctuary jurisdictions.¹⁴ The Center for Immigration Studies provided a list of sanctuary jurisdictions, updated October 2018, which stated that Alachua and Clay Counties were sanctuary jurisdictions.¹⁵

Perhaps one of the most objective ways to measure whether an entity is a sanctuary jurisdiction is to determine whether it is disqualified from receiving federal criminal justice grant funds due to perceived violations of federal immigration law. Those violations generally involve limiting or restricting communication and information between a state or local entity and the DHS about an immigrant's status or release. The Florida Department of Law Enforcement (FDLE) serves as the state administering agency for the federal Byrne Justice Assistance Grant Program.¹⁶ According to FDLE and the U.S. Department of Justice (DOJ), Office of Justice Programs, applicants that seek grant funding¹⁷ from the Department of Justice must submit specific certifications from the attorney general and the chief executive officer, which is either the governor or mayor, stating that the applicant complies with 8 U.S.C. s. 1373¹⁸ and does not restrict communications

¹³ *Id.*

¹⁴ Federation for American Immigration Reform. *Sanctuary Jurisdictions Nearly Double Since President Trump Promised to Enforce Our Immigration Laws*, 52-55 (May 2018), <http://www.fairus.org/sites/default/files/2018-05/Sanctuary-Report-FINAL-2018.pdf>. FAIR stated that it drew its information from resolutions, ordinances, and policy directives as well as secondary sources. At that time, and not necessarily currently, the counties listed were Alachua, Bradford, Broward, Flagler, Gulf, Highlands, Leon, Palm Beach, Seminole, St. Lucie, Volusia, and Washington. The cities were Key West, St. Petersburg, and West Palm Beach.

¹⁵ Center for Immigration Studies. *Fact Sheet, Sanctuary Cities, Counties, and States* (Oct. 2018), <https://cis.org/Fact-Sheet/Sanctuary-Cities>.

Exhibit 7

From: [kdmlady](#)
To: [Woodby, Katherine](#)
Cc: [Byrd, Cord](#)
Subject: RE: FLIMEN Victims Day Press Conference
Date: Monday, April 15, 2019 11:24:28 AM

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Katherine,

That's perfect, thanks so much! We'll see you tomorrow at the Judiciary Committee.

Karyn

Karyn Morton
Communications Director
Floridians for Immigration Enforcement (FLIMEN)
904-652-7640

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Woodby, Katherine"
Date: 4/15/19 9:50 AM (GMT-05:00)
To: kdmlady
Cc: "Byrd, Cord"
Subject: RE: FLIMEN Victims Day Press Conference

Karyn,

Per our conversation, the press conference will be on Wednesday, April 17th at 1:00 p.m. on the 4th Floor Rotunda. Senator Gruters office and I are coordinating to have Governor Desantis and AG Ashley Moody at the press conference also.

I will ensure that that the Michaels have an opportunity to speak as well.

Regards,

Katherine

Katherine Woodby – Legislative Assistant

State Representative Cord Byrd

Florida House of Representatives – District

DISTRICT OFFICES

308 House Office Building

402 South Monroe Street

Tallahassee, FL 32399

(850) 717-5011

Robert M. Foster Justice Center
6347 Veterans Way

Yulee, FL 32097

(904) 548-9333

421 Third Street North

Jacksonville Beach, FL 32250

(904) 242-3495

From: kdmlady

Sent: Saturday, April 13, 2019 6:42 PM

To: Woodby, Katherine

Cc: ken@flimen.org; david@flimen.org

Subject: FLIMEN Victims Day Press Conference

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Katherine

This is to follow up with our earlier communication.

Floridians for Immigration Enforcement (FLIMEN) is sponsoring a 'Victims of Illegal Immigration Day' this week.

Wednesday, April 17

9am-5pm

3rd Floor Rotunda

We will be joined by Legal Immigrants for America (LIFA), The Remembrance Project & Angel Parents, Kiyana & Bobby Michael.

We will also be attending the House Judiciary Committee on Tuesday (4/16) 1:30 pm to support HB 527, and the Senate Rules Committee on Wednesday (4/17) 2:00 pm to support SB 168.

We'd like to have a press conference on Wednesday to coordinate with our all-day display and the final Committee votes, but it needs to be sponsored and set up by a legislator. Also, timing is an issue with the Senate hearing on the same day.

We'd love to have Representative Byrd sponsor or co-sponsor with Senator Joe Gruters and possibly Senator Aaron Bean. We'd also like to have a member of each of the three 'Victims Day' organizations speak briefly (1-2 minutes each) and possibly invite Governor Desantis and Attorney General Moody to speak as well.

Can we get it done? What do you need from me? Just let me know.

Thank you so much!

Karyn

Karyn Morton

Board Member, Communications Director

Floridians for Immigration Enforcement (FLIMEN)

904-652-7640

Sent from my Verizon, Samsung Galaxy smartphone

From: [Byrd, Cord](#)
To: [Woodby, Katherine](#)
Subject: Fwd: Sanctuary cities & Counties in Florida
Date: Friday, April 19, 2019 10:44:25 PM

Sent from my iPhone

Begin forwarded message:

From: ROBERT WINDHAM <wardeagle46rw@cox.net>
Date: April 18, 2019 at 7:42:52 PM EDT
To: <cord.byrd@myfloridahouse.gov>
Cc: <katherine.woodby@myfloridahouse.gov>
Subject: Sanctuary cities & Counties in Florida
Reply-To: ROBERT WINDHAM <wardeagle46rw@cox.net>

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.
--

Hi. Congratulations on the passing of HB 527 last Tuesday. I was there and I testified. Here in the message below are sanctuary counties in Florida as identified by FAIR (Federation of American Immigration Reform). My brother lives in Washington County so I replied back to this email asking David jaroslav what was Washington County doing that made them a sanctuary county and he said they were not honoring ICE detainees unless it came with a judicial warrant. You can go to the May 2018 report he mentions in his email to find out what these counties and cities are doing that qualifies them as sanctuary entities or just contact David directly. He has been a great help to us (Floridians for Immigration Enforcement).

----- Original Message -----

From: David Jaroslav <djaroslav@fairus.org>
To: "'ken@flimen.org'" <ken@flimen.org>, 'Kenneth Morrow' <emenon9@gmail.com>, "'david@flimen.org'" <david@flimen.org>, 'ROBERT WINDHAM' <wardeagle46rw@cox.net>
Cc: Shari Rendall <srendall@fairus.org>, Jonathan Hanen <jhanen@fairus.org>, Susan Tully <tullys@fairus.org>
Date: March 22, 2019 at 11:05 AM
Subject: Follow-up to FLIMEN conference call

Good morning, gentlemen:

We identified the following 15 Florida jurisdictions in our [May 2018](#)

[sanctuary report](#) as having sanctuary policies (pgs. 52-55 of the report, each with links to the actual policies):

- Alachua County
- Bradford County
- Broward County
- Flagler County
- Gulf County
- Highlands County
- City of Key West
- Leon County
- Palm Beach County
- Seminole County
- St. Lucie County
- City of St. Petersburg
- Volusia County
- Washington County
- City of West Palm Beach

Additionally, since the report was published, the City of Orlando adopted a sanctuary resolution in July, which we covered in a [legislative update here](#), for a total of 16.

Five Florida sheriffs are in 287(g): Clay County, Collier County, Hernando County, Pasco County and Jacksonville-Duval County.

17 Florida sheriffs signed on in January 2018 to Basic Ordering Agreements (“BOA’s”) with ICE, which aren’t as extensive as 287(g) but which do result in them honoring detainers: Bay, Brevard, Charlotte, Columbia, Hillsborough, Indian River, Lee, Manatee, Monroe, Pinellas, Polk, Suwannee, Santa Rosa, Sarasota and Walton counties. This indicates that the number has since increased to 29 counties, which might include some of the ones we’d previously listed as sanctuaries, which should result in them no longer being designated as such:

<https://www.orlandoweekly.com/Blogs/archives/2019/03/12/florida-sheriffs-look-at-options-as-gov-ron-desantis-urges-them-to-cooperate-with-ice> My guess would be Sheriff Gualtieri in Pinellas would probably have up-to-date numbers, etc., as he's been spearheading that.

Miami-Dade County does not have a formal agreement with ICE, but in early 2017 reversed its previous sanctuary policy and has honored detainers since. We do not currently regard it as a sanctuary county, and indeed it has turned over hundreds if not thousands of illegal aliens to ICE since reversing course.

Regarding E-Verify, I will see about possibly doing an alert to the presiding officers backing up DeSantis's recent comments. If you can reach out to anyone in Speaker Oliva's [House district](#) (Hialeah and Miami Lakes) or President Galvano's [Senate district](#) (Manatee County around Bradenton and up into southeast Hillsborough) to get them to push for it as constituents, that would of course also be helpful. I will see if Nayib can reach out for any constituents who can push on Oliva as well.

Thanks again for all your great work. Please let me know whatever else you might need. Also, please let me know if I should include Karen or Yvonne or anyone else from the call on future emails.

Have a great weekend,

Dave J.

David L. Jaroslav

State & Local Legislative Manager



Your Voice, Your Vision, Your Values

Federation for American Immigration Reform

25 Massachusetts Ave., NW Suite 330

Washington, D.C. 20001

202-328-7004

www.FAIRus.org