

1 A bill to be entitled
 2 An act relating to nonenforcement of immigration
 3 detainers and nonjudicial immigration warrants;
 4 creating s. 901.015, F.S.; providing definitions;
 5 prohibiting law enforcement agencies, correctional
 6 institutions, and specified officers from complying
 7 with immigration detainers or nonjudicial immigration
 8 warrants; prohibiting such entities and officers from
 9 engaging in certain acts based on an individual's
 10 citizenship or immigration status; providing immunity
 11 from liability; providing an exception; providing
 12 applicability; providing construction; requiring
 13 correctional institutions and law enforcement agencies
 14 to provide guidance and support by a date certain for
 15 a specified purpose; repealing ch. 908, F.S., relating
 16 to federal immigration enforcement; providing
 17 effective dates.

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

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 21 Section 1. Effective October 1, 2020, section 901.015,
 22 Florida Statutes, is created to read:

23 901.015 Immigration detainers and nonjudicial immigration
 24 warrants; detentions and arrests prohibited.-

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

26 (a) "Correctional institution" has the same meaning as
27 provided in s. 944.241.

28 (b) "Correctional officer" has the same meaning as
29 provided in s. 943.10.

30 (c) "Correctional probation officer" has the same meaning
31 as provided in s. 943.10.

32 (d) "Department" means the United States Department of
33 Homeland Security.

34 (e) "Federal warrant" means an order issued by a federal
35 court authorizing a federal agency employee or a law enforcement
36 agency, correctional institution, law enforcement officer,
37 correctional officer, or correctional probation officer to
38 arrest an individual or search his or her property. This order
39 is issued when the individual is suspected of having committed a
40 federal crime.

41 (f) "Immigration detainer" means a document issued by a
42 federal immigration official to a law enforcement agency or
43 correctional institution:

44 1. To notify the agency or institution that the department
45 seeks custody of an individual presently in the custody of the
46 agency or institution, for the purpose of arresting and removing
47 the individual.

48 2. To request that the agency or institution help the
49 department take the individual into custody by:

50 a. Holding the individual for up to 48 hours, excluding

51 Saturdays, Sundays, and legal holidays, beyond the time the
52 agency or institution would have otherwise released the
53 individual; or

54 b. Notifying the department in advance of the release of
55 the individual in order for the department to take the
56 individual into custody.

57
58 The term includes a Form I-247, Immigration Detainer - Notice of
59 Action, or any detainer issued under 8 U.S.C. s. 1226, 8 U.S.C.
60 s. 1357, 8 C.F.R. s. 236.1, or 8 C.F.R. s. 287.7.

61 (g) "Law enforcement agency" has the same meaning as
62 provided in s. 934.50.

63 (h) "Law enforcement officer" has the same meaning as
64 provided in s. 943.10.

65 (i) "Nonjudicial immigration warrant" means a Form I-200,
66 Warrant for Arrest of Alien; a Form I-205, Warrant of
67 Removal/Deportation; a United States Immigration and Customs
68 Enforcement (ICE) administrative warrant entered into the
69 National Crime Information Center (NCIC) database; or any other
70 immigration warrant or request that is not ordered by a court
71 but is issued by the department, an office or agency of the
72 department, or an employee of the department or of an office or
73 agency of the department to direct a federal immigration
74 official to arrest an individual.

75 (2) A law enforcement agency, correctional institution,

76 law enforcement officer, correctional officer, or correctional
77 probation officer may not:

78 (a) Solely on the basis of an immigration detainer or a
79 nonjudicial immigration warrant, detain or continue to detain an
80 individual or notify the department in advance of the release of
81 an individual; or

82 (b) Otherwise comply with an immigration detainer or a
83 nonjudicial immigration warrant.

84 (3) A law enforcement agency, correctional institution,
85 law enforcement officer, correctional officer, or correctional
86 probation officer may not stop, arrest, search, detain, or
87 continue to detain an individual solely on the basis of the
88 individual's citizenship or immigration status.

89 (4) A law enforcement agency, correctional institution,
90 law enforcement officer, correctional officer, or correctional
91 probation officer acting in good faith pursuant to this section
92 is immune from any civil or criminal liability, with the
93 exception of willful or wanton misconduct.

94 (5) This section does not apply if a law enforcement
95 agency, correctional institution, law enforcement officer,
96 correctional officer, or correctional probation officer is
97 presented with a federal warrant or a court order.

98 (6) Except as provided in subsection (2), this section
99 does not prohibit communication between a federal agency and a
100 law enforcement agency, correctional institution, law

101 enforcement officer, correctional officer, or correctional
102 probation officer.

103 Section 2. By October 1, 2020, each law enforcement agency
104 and correctional institution in this state must provide guidance
105 and support to its law enforcement officers and its correctional
106 and correctional probation officers, respectively, to assist
107 them in complying with s. 901.015, Florida Statutes, as created
108 by this act. As used in this section, the term "correctional
109 institution" has the same meaning as provided in s. 944.241,
110 Florida Statutes, and the term "law enforcement agency" has the
111 same meaning as provided in s. 934.50, Florida Statutes.

112 Section 3. Chapter 908, Florida Statutes, consisting of
113 ss. 908.101, 908.102, 908.103, 908.104, 908.105, 908.106,
114 908.107, 908.108, and 908.109, is repealed.

115 Section 4. Except as otherwise provided in this act, this
116 act shall take effect July 1, 2020.