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# **Committee on State Affairs**

**Wednesday, April 8, 2008  
4:00 PM – 6:00 PM  
Morris Hall**

**Marco Rubio  
Speaker**

**Andy Gardiner  
Chairman**



# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

### Committee on State Affairs

**Start Date and Time:** Tuesday, April 08, 2008 04:00 pm

**End Date and Time:** Tuesday, April 08, 2008 06:00 pm

**Location:** Morris Hall (17 HOB)

**Duration:** 2.00 hrs

#### Workshop on the following:

HB 73 Illegal Immigration by Brown

HB 159 Enforcement of Immigration Laws by Adams

HB 571 Illegal Aliens by Kravitz

HB 577 Illegal or Undocumented Aliens by Williams

HB 821 Illegal Immigration by Harrell

HB 1247 Immigration Status of Inmates by Gelber

NOTICE FINALIZED on 04/04/2008 16:23 by TUCK.SHIRLEY









29 alien is an unfair trade practice under specified  
 30 provisions; providing a civil remedy; creating s. 409.954,  
 31 F.S.; requiring verification of the lawful presence in the  
 32 United States of persons over a specified age applying for  
 33 certain public benefits; providing exceptions; providing  
 34 for execution of affidavit of eligibility; providing for  
 35 verification of affidavit under a specified federal  
 36 program; providing for penalties for false affidavits;  
 37 providing for variation of requirements; providing for  
 38 adjudication of unique individual circumstances due to  
 39 unusual hardship; prohibiting provision of public benefits  
 40 in violation of specified provisions; providing for  
 41 reports; creating s. 877.28, F.S.; prohibiting specified  
 42 actions related to transporting or harboring illegal  
 43 aliens; providing penalties; providing for a memorandum of  
 44 understanding between this state and specified federal  
 45 agencies concerning enforcement of specified federal laws;  
 46 providing an effective date.

47

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

49

50 Section 1. This act may be cited as the "Florida Taxpayer  
 51 and Citizen Protection Act of 2008."

52 Section 2. The Legislature finds that illegal immigration  
 53 is causing economic hardship and lawlessness in this state and  
 54 that illegal immigration is encouraged by public agencies within  
 55 this state that provide public benefits without verifying  
 56 immigration status. The Legislature further finds that illegal



57 immigrants have been harbored and sheltered in this state and  
 58 encouraged to reside in this state through the issuance of  
 59 identification cards that are issued without verifying  
 60 immigration status, and that these practices impede and obstruct  
 61 the enforcement of federal immigration law, undermine the  
 62 security of our borders, and impermissibly restrict the  
 63 privileges and immunities of the citizens of this state.  
 64 Therefore, the Legislature declares that it is a compelling  
 65 public interest of this state to discourage illegal immigration  
 66 by requiring all agencies within this state to fully cooperate  
 67 with federal immigration authorities in the enforcement of  
 68 federal immigration laws. The Legislature also finds that other  
 69 measures are necessary to ensure the integrity of various  
 70 governmental programs and services.

71 Section 3. Section 111.076, Florida Statutes, is created  
 72 to read:

73 111.076 Reporting of immigration status information.--

74 (1) Notwithstanding any other provision of law, no person  
 75 or agency may prohibit or in any way restrict a public employee  
 76 from doing any of the following with respect to information  
 77 regarding the immigration status of any individual:

78 (a) Sending such information to, or requesting or  
 79 receiving such information from, the United States Department of  
 80 Homeland Security;

81 (b) Maintaining such information; or

82 (c) Exchanging such information with any other federal,  
 83 state, or local governmental entity.

84 (2) A natural or legal person lawfully domiciled in this

85 state to may obtain a writ of mandamus to compel any  
 86 noncooperating local state governmental agency to comply with  
 87 such reporting laws.

88 Section 4. Section 125.582, Florida Statutes, is created  
 89 to read:

90 125.582 Communicating or cooperating with federal  
 91 officials concerning immigration.--

92 (1) No county government, whether acting through its  
 93 governing body or by an initiative, referendum, or any other  
 94 process shall enact any ordinance or policy that limits or  
 95 prohibits a law enforcement officer, local official, or local  
 96 government employee from communicating or cooperating with  
 97 federal officials with regard to the immigration status of any  
 98 person within this state.

99 (2) Notwithstanding any other provision of law, no county  
 100 governmental entity or official may prohibit or in any way  
 101 restrict any governmental entity or official from sending to, or  
 102 receiving from, the United States Department of Homeland  
 103 Security information regarding the citizenship or immigration  
 104 status of any individual.

105 Section 5. Section 166.04935, Florida Statutes, is created  
 106 to read:

107 166.04935 Communicating or cooperating with federal  
 108 officials concerning immigration.--

109 (1) No municipal government, whether acting through its  
 110 governing body or by an initiative, referendum, or any other  
 111 process shall enact any ordinance or policy that limits or  
 112 prohibits a law enforcement officer, local official, or local

113 government employee from communicating or cooperating with  
 114 federal officials with regard to the immigration status of any  
 115 person within this state.

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 117 municipal governmental entity or official may prohibit or in any  
 118 way restrict any governmental entity or official from sending  
 119 to, or receiving from, the United States Department of Homeland  
 120 Security information regarding the citizenship or immigration  
 121 status of any individual.

122 Section 6. Subsection (13) is added to section 316.193,  
 123 Florida Statutes, to read:

124 316.193 Driving under the influence; penalties.--

125 (13) (a) When a person charged under this section is  
 126 confined for any period in a jail or other detention center or  
 127 facility, a reasonable effort shall be made to determine the  
 128 citizenship status of that person.

129 (b) If the prisoner is a foreign national, the entity  
 130 confining the person shall make a reasonable effort to verify  
 131 that the prisoner has been lawfully admitted to the United  
 132 States and, if lawfully admitted, that such lawful status has  
 133 not expired. If verification of lawful status cannot be made  
 134 from documents in the possession of the prisoner, verification  
 135 shall be made within 48 hours of the beginning of the  
 136 confinement in paragraph (a) through a query to the United  
 137 States Department of Homeland Security. If the prisoner is  
 138 determined not to be lawfully admitted to the United States, the  
 139 entity holding the prisoner shall notify the United States  
 140 Department of Homeland Security.

141 (c) For the purpose of determining the grant of or  
 142 issuance of bond, a person whose citizenship status has been  
 143 verified pursuant to paragraph (b) to be a foreign national who  
 144 has not been lawfully admitted to the United States shall be  
 145 deemed to be a risk of flight.

146 (d) The Department of Law Enforcement has authority to  
 147 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 148 the provisions of this subsection.

149 Section 7. Subsections (9) and (10) of section 327.35,  
 150 Florida Statutes, are renumbered as subsections (10) and (11),  
 151 respectively, and a new subsection (9) is added to that section  
 152 to read:

153 327.35 Boating under the influence; penalties; "designated  
 154 drivers".--

155 (9) (a) When a person charged under this section is  
 156 confined for any period in a jail or other detention center or  
 157 facility, a reasonable effort shall be made to determine the  
 158 citizenship status of that person.

159 (b) If the prisoner is a foreign national, the entity  
 160 confining the person shall make a reasonable effort to verify  
 161 that the prisoner has been lawfully admitted to the United  
 162 States and, if lawfully admitted, that such lawful status has  
 163 not expired. If verification of lawful status cannot be made  
 164 from documents in the possession of the prisoner, verification  
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 166 confinement in paragraph (a) through a query to the United  
 167 States Department of Homeland Security. If the prisoner is  
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169 entity holding the prisoner shall notify the United States  
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 172 issuance of bond, a person whose citizenship status has been  
 173 verified pursuant to paragraph (b) to be a foreign national who  
 174 has not been lawfully admitted to the United States shall be  
 175 deemed to be a risk of flight.

176 (d) The Department of Law Enforcement has authority to  
 177 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 178 the provisions of this subsection.

179 Section 8. Section 322.0516, Florida Statutes, is created  
 180 to read:

181 322.0516 Eligibility for driver's licenses or  
 182 identification cards.--

183 (1) All driver's licenses or identification cards provided  
 184 for under this chapter shall be issued only to United States  
 185 citizens, legal permanent resident aliens, or holders of valid  
 186 unexpired nonimmigrant visas.

187 (2) (a) The provisions of subsection (1) shall not apply  
 188 when an applicant presents, in person, valid documentary  
 189 evidence provided in s. 322.08(2)(c)4.-7.

190 (b) A driver's license or identification card issued under  
 191 the exemption in paragraph (a) shall be valid only during the  
 192 period of time of the authorized stay of the applicant in the  
 193 United States or, if there is no definite end to the period of  
 194 authorized stay, a period of 1 year. A driver's license or  
 195 identification card issued under this subsection shall clearly  
 196 indicate that it is temporary and shall state the date that it

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197 expires. Such a driver's license or identification card may be  
 198 renewed only upon presentation of valid documentary evidence  
 199 that the status by which the applicant qualified for the  
 200 identification document has been extended by the United States  
 201 Department of Homeland Security.

202 (3) Any driver's license or identification card for which  
 203 an application has been made for renewal, duplication, or  
 204 reissuance shall be presumed to have been issued in accordance  
 205 with the provisions of subsection (2) provided that, at the time  
 206 the application is made, the driver's license or identification  
 207 card has not expired or been canceled, suspended, or revoked.  
 208 The requirements of subsection (2) shall apply, however, to a  
 209 renewal, duplication, or reissuance if the department is  
 210 notified by a local, state, or federal governmental agency that  
 211 the individual seeking such renewal, duplication, or reissuance  
 212 is neither a citizen of the United States nor legally in the  
 213 United States.

214 Section 9. Paragraph (c) of subsection (2) of section  
 215 322.08, Florida Statutes, is amended to read:

216 322.08 Application for license.--

217 (2) Each such application shall include the following  
 218 information regarding the applicant:

219 (c) Proof of identity satisfactory to the department. Such  
 220 proof must include one of the following documents issued to the  
 221 applicant:

222 1. A driver's license record or identification card record  
 223 from another jurisdiction that required the applicant to submit  
 224 a document for identification which is substantially similar to

225 a document required under subparagraph 2., subparagraph 3.,  
 226 subparagraph 4., subparagraph 5., subparagraph 6., or  
 227 subparagraph 7.;

228 2. A certified copy of a United States birth certificate;

229 3. A United States passport;

230 4. A naturalization certificate issued by the United  
 231 States Department of Homeland Security;

232 5. An alien registration receipt card (green card);

233 6. An employment authorization card issued by the United  
 234 States Department of Homeland Security; or

235 7. Proof of nonimmigrant classification provided by the  
 236 United States Department of Homeland Security, for an original  
 237 driver's license. In order to prove nonimmigrant classification,  
 238 an applicant may produce the following documents, including, but  
 239 not limited to:

240 a. A notice of hearing from an immigration court  
 241 scheduling a hearing on any proceeding.

242 b. A notice from the Board of Immigration Appeals  
 243 acknowledging pendency of an appeal.

244 c. A notice of the approval of an application for  
 245 adjustment of status issued by the United States Bureau of  
 246 Citizenship and Immigration Services.

247 d. Any official documentation confirming the filing of a  
 248 petition for asylum or refugee status or any other relief issued  
 249 by the United States Bureau of Citizenship and Immigration  
 250 Services.

251 e. A notice of action transferring any pending matter from  
 252 another jurisdiction to this state issued by the United States  
 253 Bureau of Citizenship and Immigration Services.

254 f. An order of an immigration judge or immigration officer  
 255 granting any relief that authorizes the alien to live and work  
 256 in the United States, including, but not limited to, asylum.

257 g. Evidence that an application is pending for adjustment  
 258 of status to that of an alien lawfully admitted for permanent  
 259 residence in the United States or conditional permanent resident  
 260 status in the United States, if a visa number is available  
 261 having a current priority date for processing by the United  
 262 States Bureau of Citizenship and Immigration Services.

263

264 ~~Presentation of any of the documents in subparagraph 6. or~~  
 265 ~~subparagraph 7. entitles the applicant to a driver's license or~~  
 266 ~~temporary permit for a period not to exceed the expiration date~~  
 267 ~~of the document presented or 1 year, whichever occurs first.~~

268 Section 10. Section 287.135, Florida Statutes, is created  
 269 to read:

270 287.135 Verification of immigration status; public  
 271 employers.--

272 (1) As used in the section, the term:

273 (a) "Basic Pilot Program" means the electronic  
 274 verification of work authorization program of the Illegal  
 275 Immigration Reform and Immigration Responsibility Act of 1996,  
 276 Pub. L. No. 104-208, Division C, Title IV, s. 403(a), as  
 277 amended, and operated by the United States Department of  
 278 Homeland Security or any equivalent federal work authorization



279 program operated by the United States Department of Homeland  
 280 Security or any other designated federal agency authorized to  
 281 verify the work authorization status of newly hired employees  
 282 pursuant to the Immigration Reform and Control Act of 1986, Pub.  
 283 L. No. 99-603.

284 (b) "Public employer" means any department, agency, or  
 285 instrumentality of the state or any political subdivision of the  
 286 state.

287 (c) "Subcontractor" includes any subcontractor, contract  
 288 employee, staffing agency, or contractor of any such  
 289 subcontractor, contract employee, or staffing agency, regardless  
 290 of tier.

291 (2) (a) Every public employer shall register and  
 292 participate in the Basic Pilot Program to verify the work  
 293 authorization status of all new employees.

294 (b)1. No public employer shall enter into a contract for  
 295 the physical performance of services within this state unless  
 296 the contractor registers and participates in the Basic Pilot  
 297 Program to verify the work authorization status of all new  
 298 employees.

299 2. No contractor or subcontractor who enters a contract  
 300 with a public employer shall enter into such a contract or  
 301 subcontract in connection with the physical performance of  
 302 services within this state unless the contractor or  
 303 subcontractor registers and participates in the Basic Pilot  
 304 Program to verify information of all new employees.

305 3. The discharge of any United States citizen or permanent  
 306 resident alien employee by an employer in this state who, on the

307 date of the discharge, employed an unauthorized alien  
 308 constitutes an unfair trade practice under part II of chapter  
 309 501, and the discharged employee shall have a private cause of  
 310 action under that part.

311 (c) The provisions of this section shall be enforced  
 312 without regard to race or national origin.

313 Section 11. Section 409.954, Florida Statutes, is created  
 314 to read:

315 409.954 Verification of immigration status for public  
 316 benefits.--

317 (1) Except as provided in subsection (3) or where exempted  
 318 by federal law, each agency and political subdivision of this  
 319 state shall verify the lawful presence in the United States of  
 320 any natural person 14 years of age or older who has applied for  
 321 state or local public benefits as defined in 8 U.S.C. s. 1621 or  
 322 for federal public benefits as defined in 8 U.S.C. s. 1611 that  
 323 are administered by an agency or a political subdivision of this  
 324 state.

325 (2) The provisions of this section shall be enforced  
 326 without regard to race, religion, gender, ethnicity, or national  
 327 origin.

328 (3) Verification of lawful presence in the United States  
 329 under the provisions of this section shall not be required:

330 (a) For any purpose for which lawful presence in the  
 331 United States is not restricted by law, ordinance, or  
 332 regulation;

333 (b) For assistance for health care items and services that  
 334 are necessary for the treatment of an emergency medical

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335 condition, as defined in 42 U.S.C. s. 1396b(v)(3), of the alien  
 336 involved and are not related to an organ transplant procedure;

337 (c) For short-term, noncash, in-kind emergency disaster  
 338 relief;

339 (d) For public health assistance for immunizations with  
 340 respect to diseases and for testing and treatment of symptoms of  
 341 communicable diseases, whether or not such symptoms are caused  
 342 by a communicable disease;

343 (e) For programs, services, or assistance such as soup  
 344 kitchens, crisis counseling and intervention, and short-term  
 345 shelter specified by the United States Attorney General, in the  
 346 sole and unreviewable discretion of the United States Attorney  
 347 General after consultation with appropriate federal agencies and  
 348 departments, which:

349 1. Deliver in-kind services at the community level,  
 350 including through public or private nonprofit agencies;

351 2. Do not condition the provision of assistance, the  
 352 amount of assistance provided, or the cost of assistance  
 353 provided on the income or resources of the individual recipient;  
 354 and

355 3. Are necessary for the protection of life or safety; or

356 (f) For prenatal care.

357 (4) Verification of lawful presence in the United States  
 358 by the agency or political subdivision required to make such  
 359 verification shall require that the applicant execute an  
 360 affidavit under penalty of perjury that:

361 (a) He or she is a United States citizen; or

362           (b) He or she is a qualified alien under the Immigration  
 363 and Nationality Act, 8 U.S.C. ss. 1101 et seq., and is lawfully  
 364 present in the United States.

365           (5) For any applicant who has executed the affidavit  
 366 described in paragraph (4) (b), eligibility for benefits shall be  
 367 made through the Systematic Alien Verification of Entitlement  
 368 program operated by the United States Department of Homeland  
 369 Security or a successor program designated by that department.  
 370 Until such eligibility verification is made, the affidavit may  
 371 be presumed to be proof of lawful presence for the purposes of  
 372 this section.

373           (6) Any person who knowingly and willfully makes a false,  
 374 fictitious, or fraudulent statement or representation in an  
 375 affidavit executed pursuant to subsection (4) shall be subject  
 376 to criminal penalties applicable in this state for fraudulently  
 377 obtaining public assistance program benefits. If the affidavit  
 378 constitutes a false claim of United States citizenship under 18  
 379 U.S.C. s. 911, a complaint shall be filed by the agency  
 380 requiring the affidavit with the appropriate United States  
 381 Attorney.

382           (7) Any agency or political subdivision of this state may  
 383 adopt variations to the requirements of this section that  
 384 demonstrably improve the efficiency or reduce delay in the  
 385 verification process, or to provide for adjudication of unique  
 386 individual circumstances where the verification procedures in  
 387 this section would impose unusual hardship on a legal resident  
 388 of this state.

389           (8) No agency or political subdivision of this state shall  
 390 provide any state, local, or federal benefit, as defined in 8  
 391 U.S.C. s. 1611 or 8 U.S.C. s. 1621, in violation of this  
 392 section.

393           (9) Each state agency or department that administers any  
 394 program of state or local public benefits shall provide an  
 395 annual report to the Secretary of Children and Family Services  
 396 with respect to its compliance with the provisions of this  
 397 section. Any and all errors shall be reported to the United  
 398 States Department of Homeland Security by the Secretary of  
 399 Children and Family Services. The secretary shall monitor the  
 400 eligibility verification program used under subsection (5) and  
 401 any verification application errors and significant delays of  
 402 the program and each October 1 shall provide a report to the  
 403 Governor, the President of the Senate, and the Speaker of the  
 404 House of Representatives on the errors and significant delays  
 405 and make recommendations to ensure that the application of the  
 406 program is not erroneously denying benefits to legal residents  
 407 of this state.

408           Section 12. Section 877.28, Florida Statutes, is created  
 409 to read:

410           877.28 Illegal aliens; offenses concerning.--

411           (1) It shall be unlawful for any person to:

412           (a) Transport, move, or attempt to transport within the  
 413 United States any alien knowing or in reckless disregard of the  
 414 fact that the alien has come to, entered, or remained in the  
 415 United States in violation of law in furtherance of the illegal  
 416 presence of the alien in the United States.

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417 (b) Conceal, harbor, or shelter from detection any alien  
 418 in any place, including any building or means of transportation,  
 419 knowing or in reckless disregard of the fact that the alien has  
 420 come to, entered, or remained in the United States in violation  
 421 of law.

422 (2) Any person violating the provisions of this section  
 423 commits a misdemeanor of the first degree, punishable as  
 424 provided in s. 775.082 or s. 775.083.

425 Section 13. The Attorney General is authorized and  
 426 directed to negotiate the terms of a memorandum of understanding  
 427 between this state and the United States Department of Justice  
 428 or the United States Department of Homeland Security concerning  
 429 the enforcement of federal immigration and custom laws,  
 430 detention and removals, and investigations in this state. The  
 431 memorandum of understanding shall be signed on behalf of this  
 432 state by the Attorney General and the Governor or as otherwise  
 433 required by the appropriate federal agency.

434 Section 14. This act shall take effect October 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0073

COUNCIL/COMMITTEE ACTION

ADOPTED                                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

1 Council/Committee hearing bill: Committee on State Affairs  
2 Representative Brown offered the following:  
3

4       **Amendment (with title amendment)**

5       Remove everything after the enacting clause and insert:

6       Section 1. This act may be cited as the "Florida Taxpayer  
7 and Citizen Protection Act of 2008."

8       Section 2. The Legislature finds that illegal immigration  
9 is a cause of economic hardship and lawlessness in this state  
10 and that illegal immigration is encouraged when public agencies  
11 within this state provide public benefits without verifying  
12 immigration status. The Legislature further finds that illegal  
13 aliens have been trafficked into, harbored in, and otherwise  
14 encouraged to unlawfully reside in this state through the  
15 provision of identification cards that are issued without  
16 verifying immigration status, and that these practices impede  
17 and obstruct the enforcement of federal immigration law,  
18 undermine the security of our borders, and impermissibly  
19 restrict the privileges and immunities of the citizens of this  
20 state. Therefore, the Legislature declares that it is a  
21 compelling public interest of this state to discourage illegal  
22 immigration by requiring all agencies within this state to fully

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Amendment No. (for drafter's use only)

23 cooperate with federal immigration authorities in the  
24 enforcement of federal immigration laws. The Legislature also  
25 finds that other measures are necessary to ensure the integrity  
26 of various governmental programs and services.

27 Section 3. Section 111.076, Florida Statutes, is created  
28 to read:

29 111.076 Reporting of immigration status information.--

30 (1) Notwithstanding any other provision of law, no person  
31 or agency may prohibit, or in any way restrict, a public  
32 employee from doing any of the following with respect to  
33 information regarding the citizenship or immigration status,  
34 lawful or unlawful, of any individual:

35 (a) Sending such information to, or requesting or  
36 receiving such information from, the United States Department of  
37 Homeland Security;

38 (b) Maintaining such information; or

39 (c) Exchanging such information with any other federal,  
40 state, or local governmental entity.

41 (2) A natural or legal person lawfully domiciled in this  
42 state to may obtain a writ of mandamus to compel a  
43 noncooperating governmental agency of this state or of a  
44 political subdivision therein to comply with the requirements of  
45 subsection (1).

46 Section 4. Section 125.582, Florida Statutes, is created  
47 to read:

48 125.582 Communicating or cooperating with federal  
49 officials concerning immigration.--

50 (1) No county government, whether acting through its  
51 governing body or by an initiative, referendum, or any other  
52 process, shall enact any ordinance or policy that limits or  
53 prohibits a law enforcement officer, local official, or local



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Amendment No. (for drafter's use only)

54 government employee from communicating or cooperating with  
55 federal officials with regard to the immigration status, lawful  
56 or unlawful, of any person in this state.

57 (2) Notwithstanding any other provision of law, no county  
58 governmental entity or official may prohibit or in any way  
59 restrict any governmental entity or official from sending to, or  
60 receiving from, the United States Department of Homeland  
61 Security information regarding the citizenship or immigration  
62 status, lawful or unlawful, of an alien in the United States.

63 Section 5. Section 166.04935, Florida Statutes, is created  
64 to read:

65 166.04935 Communicating or cooperating with federal  
66 officials concerning immigration.--

67 (1) No municipal government, whether acting through its  
68 governing body or by an initiative, referendum, or any other  
69 process, shall enact any ordinance or policy that limits or  
70 prohibits a law enforcement officer, local official, or local  
71 government employee from communicating or cooperating with  
72 federal officials with regard to the immigration status, lawful  
73 or unlawful, of any person in this state.

74 (2) Notwithstanding any other provision of law, no  
75 municipal governmental entity or official may prohibit or in any  
76 way restrict any governmental entity or official from sending  
77 to, or receiving from, the United States Department of Homeland  
78 Security information regarding the citizenship or immigration  
79 status, lawful or unlawful, of an alien in the United States.

80 Section 6. Subsection (2) of section 322.08, Florida  
81 Statutes, is amended to read:

82 322.08 Application for license.--

83 (2) Each such application shall include the following  
84 information regarding the applicant:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 (a) Full name (first, middle or maiden, and last), gender,  
86 social security card number, county of residence and mailing  
87 address, country of birth, and a brief description.

88 (b) Proof of birth date satisfactory to the department.

89 (c) Proof of identity satisfactory to the department. Such  
90 proof must include one of the following documents issued to the  
91 applicant:

92 1. A Florida driver's license or photo identification card  
93 that is unexpired or that expired no more than 365 days prior to  
94 the date of application ~~A driver's license record or~~  
95 ~~identification card record from another jurisdiction that~~  
96 ~~required the applicant to submit a document for identification~~  
97 ~~which is substantially similar to a document required under~~  
98 ~~subparagraph 2., subparagraph 3., subparagraph 4., subparagraph~~  
99 ~~5., subparagraph 6., or subparagraph 7.;~~

100 2. An unexpired driver's license or photo identification  
101 card issued by another state or territory which required the  
102 applicant to submit a document for identification that is  
103 substantially similar to a document required under subparagraphs  
104 3.-7. ~~A certified copy of a United States birth certificate;~~

105 3. A certified birth certificate issued by a United States  
106 jurisdiction or the United States Department of State ~~A United~~  
107 ~~States passport;~~

108 4. An unexpired United States passport ~~A naturalization~~  
109 ~~certificate issued by the United States Department of Homeland~~  
110 ~~Security;~~

111 5. A naturalization certificate issued by the United  
112 States Department of Homeland Security ~~An alien registration~~  
113 ~~receipt card (green card);~~

114 6. An unexpired photo identification card issued to an  
115 active duty or retired member of the United States Armed Forces

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Amendment No. (for drafter's use only)

116 or an active or retired employee of an agency of the Federal  
117 Government ~~An employment authorization card issued by the United~~  
118 ~~States Department of Homeland Security; or~~

119 7. Valid documentary evidence of unexpired legal permanent  
120 alien resident classification or conditional legal resident  
121 alien classification issued or endorsed by the United States  
122 Department of Homeland Security; or ~~Proof of nonimmigrant~~  
123 ~~classification provided by the United States Department of~~  
124 ~~Homeland Security, for an original driver's license. In order to~~  
125 ~~prove nonimmigrant classification, an applicant may produce the~~  
126 ~~following documents, including, but not limited to:~~

127 a. ~~A notice of hearing from an immigration court~~  
128 ~~scheduling a hearing on any proceeding.~~

129 b. ~~A notice from the Board of Immigration Appeals~~  
130 ~~acknowledging pendency of an appeal.~~

131 c. ~~A notice of the approval of an application for~~  
132 ~~adjustment of status issued by the United States Bureau of~~  
133 ~~Citizenship and Immigration Services.~~

134 d. ~~Any official documentation confirming the filing of a~~  
135 ~~petition for asylum or refugee status or any other relief issued~~  
136 ~~by the United States Bureau of Citizenship and Immigration~~  
137 ~~Services.~~

138 e. ~~A notice of action transferring any pending matter from~~  
139 ~~another jurisdiction to this state issued by the United States~~  
140 ~~Bureau of Citizenship and Immigration Services.~~

141 f. ~~An order of an immigration judge or immigration officer~~  
142 ~~granting any relief that authorizes the alien to live and work~~  
143 ~~in the United States, including, but not limited to, asylum.~~

144 g. ~~Evidence that an application is pending for adjustment~~  
145 ~~of status to that of an alien lawfully admitted for permanent~~  
146 ~~residence in the United States or conditional permanent resident~~

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147 ~~status in the United States, if a visa number is available~~  
148 ~~having a current priority date for processing by the United~~  
149 ~~States Bureau of Citizenship and Immigration Services.~~

150 8. Valid documentary evidence of:

151 a. An unexpired nonimmigrant visa or admission in a  
152 nonimmigrant visa classification into the United States;

153 b. A pending or approved application for asylum in the  
154 United States;

155 c. Admission into the United States under refugee status;

156 d. A pending or approved application for temporary  
157 protected status in the United States;

158 e. Approved deferred action or parole classification; or

159 f. A pending application for adjustment of status to legal  
160 permanent residence classification or conditional resident  
161 classification.

162  
163 Presentation of any of the documents in this subparagraph ~~6.~~ ~~or~~  
164 ~~subparagraph 7.~~ entitles the applicant to a driver's license or  
165 photo identification card temporary permit for a period not to  
166 exceed the expiration date of the document presented or 1 year,  
167 whichever occurs first.

168 (d) Record of verification by the department with the  
169 Federal Government of the lawful presence in the United States  
170 of an applicant who presents a document in subparagraph (c)7. or  
171 (c)8., using the Systematic Alien Verification of Entitlement  
172 (SAVE) system or an equivalent procedure as may be subsequently  
173 designated for such verification purposes by the United States  
174 Department of Homeland Security ~~Whether the applicant has~~  
175 ~~previously been licensed to drive, and, if so, when and by what~~  
176 ~~state, and whether any such license or driving privilege has~~  
177 ~~ever been disqualified, revoked, or suspended, or whether an~~

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178 ~~application has ever been refused, and, if so, the date of and~~  
179 ~~reason for such disqualification, suspension, revocation, or~~  
180 ~~refusal.~~

181 (e) Whether the applicant has previously been licensed to  
182 drive, and, if so, when and by what state, and whether any such  
183 license or driving privilege has ever been disqualified,  
184 revoked, or suspended, or whether an application has ever been  
185 refused, and, if so, the date of and reason for such  
186 disqualification, suspension, revocation, or refusal ~~Each such~~  
187 ~~application may include fingerprints and other unique biometric~~  
188 ~~means of identity.~~

189  
190 Each such application may include fingerprints and other unique  
191 biometric means of identity.

192 Section 7. Section 287.135, Florida Statutes, is created  
193 to read:

194 287.135 Verification of immigration status; public  
195 employers.--

196 (1) As used in the section, the term:

197 (a) "E-Verify program" means the electronic verification  
198 of work authorization program of the Illegal Immigration Reform  
199 and Immigration Responsibility Act of 1996, Pub. L. No. 104-208,  
200 Division C, Title IV, s. 403(a), as amended, and operated by the  
201 United States Department of Homeland Security, or a successor  
202 work authorization program designated by the United States  
203 Department of Homeland Security or other federal agency  
204 authorized to verify the work authorization status of newly  
205 hired employees pursuant to the Immigration Reform and Control  
206 Act of 1986, Pub. L. No. 99-603.

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207 (b) "Public employer" means any department, agency, or  
208 instrumentality of the state or any political subdivision of the  
209 state.

210 (c) "Subcontractor" includes any subcontractor, contract  
211 employee, staffing agency, or contractor of any such  
212 subcontractor, contract employee, or staffing agency engaged in  
213 the physical performance of contracted services, regardless of  
214 tier.

215 (2) (a) Every public employer shall register and  
216 participate in the Basic Pilot Program of the Department of  
217 Homeland Security to verify the work authorization status of all  
218 new employees.

219 (b)1. No public employer shall enter into a contract for  
220 the physical performance of services within this state unless  
221 the contractor registers and participates in the E-Verify  
222 Program to verify the work authorization status of all new  
223 employees.

224 2. No contractor or subcontractor who enters a contract  
225 with a public employer shall enter into such a contract or  
226 subcontract in connection with the physical performance of  
227 services within this state unless the contractor or  
228 subcontractor registers and participates in the E-Verify Program  
229 to verify information of all new employees employed within this  
230 state.

231 (3) (a) It is an unfair trade practice under part II of  
232 chapter 501 for an employer to discharge any United States  
233 citizen employee in this state, or any legal permanent resident  
234 alien employee in this state who has applied for naturalization,  
235 when, on the date of the discharge, an unauthorized alien worker  
236 was employed by the employer at the same job site, or in an  
237 equivalent job classification elsewhere in the state, in

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238 reckless disregard of the fact that such alien worker lacked  
239 federal employment authorization.

240 (b) The discharged employee shall have a private cause of  
241 action under that part.

242 (c) No cause of action under this subsection shall exist  
243 against an employer who, on the date of discharge, was enrolled  
244 and participating in the E-Verify Program described in paragraph  
245 (1) (a). The provisions of this section shall be enforced without  
246 regard to race, religion, gender, ethnicity, or national origin.

247 Section 8. Section 409.954, Florida Statutes, is created  
248 to read:

249 409.954 Verification of immigration status for public  
250 benefits.--

251 (1) Except as provided in subsection (3) or when exempted  
252 by federal law, each agency and political subdivision of this  
253 state shall verify the lawful presence in the United States of  
254 any natural person 14 years of age or older who has applied for  
255 state or local public benefits as defined in 8 U.S.C. s. 1621 or  
256 for federal public benefits as defined in 8 U.S.C. s. 1611 that  
257 are administered by an agency or a political subdivision of this  
258 state.

259 (2) The provisions of this section shall be enforced  
260 without regard to race, religion, gender, ethnicity, or national  
261 origin.

262 (3) Verification of lawful presence in the United States  
263 under the provisions of this section shall not be required:

264 (a) For any purpose for which lawful presence in the  
265 United States is not restricted by law, ordinance, or  
266 regulation;

267 (b) For assistance for health care items and services that  
268 are necessary for the treatment of an emergency medical

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269 condition, as defined in 42 U.S.C. s. 1396b(v) (3), of the alien  
270 involved and are not related to an organ transplant procedure;

271 (c) For short-term, noncash, in-kind emergency disaster  
272 relief;

273 (d) For public health assistance for immunizations with  
274 respect to diseases and for testing and treatment of symptoms of  
275 communicable diseases, whether or not such symptoms are caused  
276 by a communicable disease; or

277 (e) For programs, services, or assistance such as soup  
278 kitchens, crisis counseling and intervention, and short-term  
279 shelter specified by the United States Attorney General, in the  
280 sole and unreviewable discretion of the United States Attorney  
281 General after consultation with appropriate federal agencies and  
282 departments, which:

283 1. Deliver in-kind services at the community level,  
284 including through public or private nonprofit agencies;

285 2. Do not condition the provision of assistance, the  
286 amount of assistance provided, or the cost of assistance  
287 provided on the income or resources of the individual recipient;  
288 and

289 3. Are necessary for the protection of life or safety.

290 (4) Verification of lawful presence in the United States  
291 by the agency or political subdivision required to make such  
292 verification shall require that the applicant execute an  
293 affidavit under penalty of perjury that:

294 (a) He or she is a United States citizen; or

295 (b) He or she is a qualified alien as defined in 8 U.S.C.  
296 s. 1641(b), has fully disclosed to the agency administering the  
297 benefits for which application has been made the existence of  
298 income and resources attributable to the alien under 8 U.S.C. s.  
299 1631, and is lawfully present in the United States.



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300       (5) For any applicant who has executed the affidavit  
301 described in paragraph (4)(b), eligibility for benefits shall be  
302 made through the Systematic Alien Verification of Entitlement  
303 program operated by the United States Department of Homeland  
304 Security or a successor program designated by that department.  
305 Until such eligibility verification is made, the affidavit may  
306 be presumed to be proof of lawful presence for the purposes of  
307 this section.

308       (6) Any person who knowingly and willfully makes a false,  
309 fictitious, or fraudulent statement or representation in an  
310 affidavit executed pursuant to subsection (4) shall be subject  
311 to criminal penalties applicable in this state for fraudulently  
312 obtaining public assistance program benefits. If the affidavit  
313 constitutes a false claim of United States citizenship under 18  
314 U.S.C. s. 911, a complaint shall be filed by the agency  
315 requiring the affidavit with the appropriate United States  
316 Attorney.

317       (7) Any agency or political subdivision of this state may  
318 adopt variations of the requirements of this section that  
319 demonstrably improve the efficiency or reduce delay in the  
320 verification process, or to provide for adjudication of unique  
321 individual circumstances where the verification procedures in  
322 this section would impose unusual hardship on a legal resident  
323 of this state.

324       (8) No agency or political subdivision of this state shall  
325 provide any state, local, or federal benefit, as defined in 8  
326 U.S.C. s. 1611 or 8 U.S.C. s. 1621, in violation of this  
327 section.

328       (9) Each state agency or department that administers any  
329 program of state or local public benefits shall provide an  
330 annual report to the Secretary of Children and Family Services

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331 with respect to its compliance with the provisions of this  
332 section. The secretary shall monitor the eligibility  
333 verification program used under subsection (5) and track any  
334 verification application errors and significant delays of the  
335 program and each October 1 shall provide a public report to the  
336 Governor on the errors and significant delays and make  
337 recommendations to ensure that the program is not erroneously  
338 denying benefits to legal residents of this state. The secretary  
339 shall report errors in the operation of the verification of  
340 employment eligibility program to the United States Department  
341 of Homeland Security.

342 Section 9. Section 877.28, Florida Statutes, is created to  
343 read:

344 877.28 Illegal aliens; offenses concerning.--

345 (1) It is unlawful for any person to:

346 (a) Transport, move, or attempt to transport any alien  
347 into or within this state knowing or in reckless disregard of  
348 the fact that the alien has come to, entered, or remains in the  
349 United States in violation of law, in furtherance of such  
350 violation of law.

351 (b) Conceal, harbor, or shield from detection, or attempt  
352 to conceal, harbor, or shield from detection, any alien in any  
353 place, including any building or means of transportation,  
354 knowing or in reckless disregard of the fact that the alien has  
355 come to, entered, or remains in the United States in violation  
356 of law; or

357 (c) Encourage or induce an alien to enter or reside in  
358 this state knowing or in reckless disregard of the fact that  
359 such entry or residence is or would be in violation of law.

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360 (2) A person who violates subsection (1) commits, for each  
361 alien, other than a minor child of such person, in respect to  
362 whom such a violation occurs:

363 (a) A misdemeanor of the first degree, punishable as  
364 provided in s. 775.082 or s. 775.083;

365 (b) In the case of a violation in which the offense was  
366 done for the purpose of commercial advantage or private  
367 financial gain, a felony in the third degree, punishable as  
368 provided in s. 775.082, s. 775.083, or s. 775.084; or

369 (c) In the case of a violation during and in relation to  
370 which the person causes serious bodily injury or places any  
371 person in serious jeopardy of life, a felony in the second  
372 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
373 775.084.

374 (3) For the purposes of any prosecution under this  
375 section, it shall be a rebuttable presumption that verification  
376 that an alien has come to, entered, or remains in the United  
377 States in violation of law by the agency of the Federal  
378 Government responsible for the enforcement of immigration laws  
379 has determined the alien's immigration status as a matter of  
380 law.

381 Section 10. Section 907.042, Florida Statutes, is created  
382 to read:

383 907.042 Verification of immigration status of certain  
384 prisoners.--

385 (1) When a person has been charged with a felony, with  
386 driving under the influence under s. 316.193, or with boating  
387 under the influence under s. 327.35, and is confined for any  
388 period of time in a jail or other detention center or facility,  
389 a reasonable effort shall be made to determine the citizenship  
390 status of that person.

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391 (2) If the prisoner is a foreign national, the entity  
392 confining the person shall make a reasonable effort to verify  
393 that the prisoner is lawfully present in the United States under  
394 federal immigration law and, if lawfully admitted, that such  
395 lawful status has not expired. If a determination of immigration  
396 status cannot be made from documents in the possession of the  
397 prisoner, verification of immigration status shall be requested  
398 no later than 48 hours after the beginning of the confinement in  
399 subsection (1) through a query to the United States Department  
400 of Homeland Security. Upon verification that the person is not  
401 lawfully present in the United States, the entity shall notify  
402 the United States Department of Homeland Security of the  
403 detention status of the prisoner and confirm whether a federal  
404 immigration detainer has been requested for the prisoner. Such  
405 report shall be a public record.

406 (3) For the purpose of determining the conditions for  
407 issuance of a bond, it shall be a rebuttable presumption that a  
408 prisoner whose immigration status has been verified pursuant to  
409 subsection (2) to be a foreign national who is not lawfully  
410 present in the United States is at risk of flight.

411 (4) The Department of Law Enforcement has authority to  
412 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
413 the provisions of this section.

414 Section 11. Performance of immigration officer functions  
415 by state officers and employees.--

416 (1) The Attorney General is authorized and directed to  
417 negotiate the terms of a memorandum of understanding between  
418 this state and the United States Department of Homeland Security  
419 providing for the designation of officers or employees of the  
420 state or a subdivision of the state as qualified to perform the  
421 function of an immigration officer in relation to the

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422 investigation, apprehension, or detention of aliens in the  
423 United States, including the transportation of such aliens  
424 across state lines to detention centers.

425 (2) The agreement under this section shall provide that  
426 officers or employees designated as qualified to function as an  
427 immigration officer shall have the knowledge and training to  
428 adhere to federal law relating to that function.

429 (3) The terms of the memorandum of understanding to be  
430 negotiated shall be in accordance with the provisions of 8  
431 U.S.C. s. 1357 regulating the content and operation of such  
432 agreements.

433 (4) Nothing in this section shall be construed to require  
434 an agreement under this section in order for any officer or  
435 employee of this state or a political subdivision thereof to  
436 communicate with the Federal Government regarding the  
437 immigration status of any individual, or otherwise to cooperate  
438 with the Federal Government in the identification, apprehension,  
439 detention, or removal of aliens unlawfully present in the United  
440 States.

441 Section 12. This act shall take effect December 1, 2008.

442 -----  
443  
444 **T I T L E A M E N D M E N T**

445 Remove the entire title and insert:

446 A bill to be entitled

447 An act relating to illegal immigration; providing a short  
448 title; providing legislative findings; creating s.

449 111.076, F.S.; prohibiting restrictions on the reporting  
450 of certain immigration status information by public  
451 employees; providing for a writ of mandamus to compel  
452 compliance with certain laws; creating ss. 125.582 and

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453 166.04935, F.S.; prohibiting certain local government  
454 restrictions concerning communication or cooperation with  
455 federal officials concerning immigration law enforcement;  
456 amending s. 322.08, F.S.; prohibiting issuance of driver's  
457 licenses or identification cards to persons other than  
458 United States citizens or persons with specified legal  
459 immigration status; providing for submission of specified  
460 status documentation; limiting duration of licenses or  
461 identification cards for certain persons based on  
462 immigration status; creating s. 287.135, F.S.; providing  
463 definitions; requiring public employer participation in a  
464 specified federal program to verify the work authorization  
465 status of newly hired employees; requiring participation  
466 in the program by contractors and subcontractors;  
467 providing that the discharge of certain employees by  
468 specified employers in this state who employed  
469 unauthorized aliens is an unfair trade practice under  
470 specified provisions; providing a civil remedy; creating  
471 s. 409.954, F.S.; requiring verification of the lawful  
472 presence in the United States of persons over a specified  
473 age applying for certain public benefits; providing  
474 exceptions; providing for execution of affidavit of  
475 eligibility; providing for verification of affidavit under  
476 a specified federal program; providing for penalties for  
477 false affidavits; providing for variation of requirements;  
478 providing for adjudication of unique individual  
479 circumstances due to unusual hardship; prohibiting  
480 provision of public benefits in violation of specified  
481 provisions; providing for reports; creating s. 877.28,  
482 F.S.; prohibiting specified actions related to  
483 transporting, harboring, or encouraging and inducing

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484 illegal aliens to enter or reside in this state in  
485 violation of law; providing penalties; creating s.  
486 907.042, F.S.; requiring verification of the immigration  
487 status of certain persons confined for commission of a  
488 felony, driving under the influence, or boating under the  
489 influence; providing for a memorandum of understanding  
490 between this state and specified federal agencies  
491 concerning enforcement of specified federal laws;  
492 providing an effective date.









A bill to be entitled

An act relating to enforcement of immigration laws; creating chapter 986, F.S.; creating the "Florida Security and Immigration Compliance Act"; providing construction; providing definitions; prohibiting public employers from entering into a contract for the physical performance of services within the state with contractors not registered and participating in a federal work authorization program by a specified date; providing procedures and requirements with respect to the registration of contractors and subcontractors; providing for enforcement; requiring the Secretary of Business and Professional Regulation to prescribe forms and adopt rules; requiring the Chief of Domestic Security to negotiate the terms of a memorandum of understanding between the state and the United States Department of Justice or the United States Department of Homeland Security concerning the enforcement of federal immigration and customs laws, the detention and removal of individuals not lawfully present in the United States, investigations related to illegal immigration in the state, the establishment of specified law enforcement training standards, and the creation of specified law enforcement training programs; providing for the establishment of law enforcement training standards and the creation of training programs contingent upon federal funding; providing that law enforcement officers trained in accordance with such programs are authorized to enforce federal immigration and customs laws while performing

29 within the scope of their authorized duties; providing  
 30 requirements and procedures with respect to the  
 31 determination of lawful immigration status of persons  
 32 charged with a crime and confined to jail; providing  
 33 construction; requiring the Florida Sheriffs Association  
 34 to prepare and issue specified guidelines and procedures;  
 35 requiring agencies and political subdivisions of the state  
 36 to verify the lawful presence in the United States of any  
 37 natural person 18 years of age or older who has applied  
 38 for state or local public benefits, or for federal public  
 39 benefits, that are administered by an agency or a  
 40 political subdivision of the state by a specified date;  
 41 providing for enforcement; providing exceptions; requiring  
 42 the Board of Governors of the State University System to  
 43 set forth policies regarding postsecondary education  
 44 benefits; providing procedures and requirements with  
 45 respect to verification of lawful presence in the United  
 46 States by an agency or political subdivision; providing a  
 47 penalty for knowingly and willfully making a false,  
 48 fictitious, or fraudulent statement or representation in  
 49 an affidavit executed under the act; providing procedure  
 50 with respect to verification of eligibility for benefits;  
 51 prohibiting any agency or political subdivision of this  
 52 state from providing any state, local, or federal benefit  
 53 in violation of the act; providing for specified annual  
 54 reports; creating s. 337.163, F.S.; providing definitions;  
 55 prohibiting the Department of Transportation from entering  
 56 into a contract for the physical performance of services

57 within this state with contractors not registered and  
 58 participating in a federal work authorization program by a  
 59 specified date; prohibiting a contractor who receives a  
 60 contract award from the department for the performance of  
 61 services within this state from executing a contract,  
 62 purchase order, or subcontract in connection with the  
 63 award unless the contractor and all subcontractors  
 64 providing services register and participate in a federal  
 65 work authorization program; providing procedures and  
 66 requirements with respect to the registration of  
 67 contractors and subcontractors; providing for enforcement;  
 68 requiring the Secretary of Transportation to prescribe  
 69 forms and adopt rules; providing effective dates.

70

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

72

73 Section 1. Chapter 986, Florida Statutes, consisting of  
 74 sections 986.01, 986.02, 986.03, 986.04, 986.05, 986.06, and  
 75 986.07, is created to read:

76 986.01 Short title.--This chapter may be cited as the  
 77 "Florida Security and Immigration Compliance Act."

78 986.02 Construction.--All requirements of this chapter  
 79 concerning immigration or the classification of immigration  
 80 status shall be construed in conformity with federal immigration  
 81 law.

82 986.03 Definitions.--As used in this chapter:

83 (1) "Federal work authorization program" means any program  
 84 operated by the United States Department of Homeland Security

85 that provides electronic verification of work authorization  
 86 issued by the United States Bureau of Citizenship and  
 87 Immigration Services or any equivalent federal work  
 88 authorization program operated by the United States Department  
 89 of Homeland Security that provides for the verification of  
 90 information regarding newly hired employees under the  
 91 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.

92 (2) "Public employer" means any department, agency, or  
 93 instrumentality of the state or a political subdivision of the  
 94 state.

95 (3) "Subcontractor" means any entity providing services  
 96 for a contractor, whether as subcontractor, contract employee,  
 97 staffing agency, or other entity, regardless of the level of  
 98 subcontracting duties, if the services provided are related to  
 99 the contractor's contract with an agency.

100 986.04 Compliance with federal work authorization  
 101 program.--

102 (1) Commencing July 1, 2009, no public employer shall  
 103 enter into a contract under s. 287.057 for the physical  
 104 performance of services within this state unless the contractor  
 105 registers and participates in a federal work authorization  
 106 program.

107 (2) No contractor who receives a contract award under s.  
 108 287.057 for the physical performance of services within this  
 109 state shall execute a contract, purchase order, or subcontract  
 110 in connection with the award unless the contractor and all  
 111 subcontractors providing services for the contractor register  
 112 and participate in a federal work authorization program. The

113 contractor shall certify in writing to the agency that it is in  
 114 compliance with this subsection.

115 (3) A contractor shall ensure that each subcontractor  
 116 providing services for the contractor registers and participates  
 117 in a federal work authorization program. Each subcontractor  
 118 shall certify in writing to the contractor that it is in  
 119 compliance with this subsection.

120 (4) This section shall be enforced without regard to race,  
 121 religion, gender, ethnicity, or national origin.

122 (5) Except as provided in s. 337.163(6), the Secretary of  
 123 Business and Professional Regulation shall prescribe forms and  
 124 adopt rules deemed necessary to administer and effectuate this  
 125 section and shall publish such rules on the Department of  
 126 Business and Professional Regulation's Internet website.

127 986.05 Chief of Domestic Security; responsibilities.--

128 (1) (a) The Chief of Domestic Security, as defined in s.  
 129 943.0311, shall negotiate the terms of a memorandum of  
 130 understanding between the State of Florida and the United States  
 131 Department of Justice or the United States Department of  
 132 Homeland Security concerning:

133 1. The enforcement of federal immigration and customs  
 134 laws.

135 2. The detention and removal of individuals not lawfully  
 136 present in the United States.

137 3. Investigations related to illegal immigration in the  
 138 state.

139       4. The establishment of law enforcement training standards  
 140 and the creation of law enforcement training programs as  
 141 provided in subsection (2).

142       (b) The memorandum of understanding shall be signed on  
 143 behalf of the state by the Chief of Domestic Security and the  
 144 Governor, or as otherwise required by the appropriate federal  
 145 agency.

146       (2) (a) Contingent upon funding in the federal Homeland  
 147 Security Appropriation Act of 2008 or any subsequent source of  
 148 federal funding, the Chief of Domestic Security shall work with  
 149 the regional domestic security task forces and the various state  
 150 entities responsible for establishing training standards  
 151 applicable to state law enforcement officers to establish  
 152 training standards and create training programs the purpose of  
 153 which is to enhance the ability of law enforcement officers to  
 154 enforce federal immigration and customs laws while performing  
 155 within the scope of their authorized duties.

156       (b) A law enforcement officer certified as trained in  
 157 accordance with this section is authorized to enforce federal  
 158 immigration and customs laws while performing within the scope  
 159 of his or her authorized duties.

160       986.06 Determination of lawful status.--

161       (1) If verification of the nationality or lawful  
 162 immigration status of any person who is charged with a crime and  
 163 confined to jail for any period of time cannot be made from  
 164 documents in the possession of the prisoner or after a  
 165 reasonable effort on the part of law enforcement officials to  
 166 determine the nationality or immigration status of the person so



167 confined, verification shall be made within 48 hours through a  
 168 query to the Law Enforcement Support Center (LESC) of the United  
 169 States Department of Homeland Security or other office or agency  
 170 designated for that purpose by the United States Department of  
 171 Homeland Security. If it is determined that the prisoner is in  
 172 the United States unlawfully, the law enforcement agency shall  
 173 notify the United States Department of Homeland Security.

174 (2) Nothing in this section shall be construed to deny a  
 175 person bond or prevent a person from being released from  
 176 confinement if such person is otherwise eligible for release.

177 (3) The Florida Sheriffs Association shall prepare and  
 178 issue guidelines and procedures for compliance with the  
 179 provisions of this section.

180 986.07 Agencies, political subdivisions; requirements.--

181 (1) Except as provided in subsection (3) or where exempted  
 182 by federal law, no later than July 1, 2009, every agency or  
 183 political subdivision of this state shall verify the lawful  
 184 presence in the United States of any natural person 18 years of  
 185 age or older who has applied for state or local public benefits,  
 186 as defined in 8 U.S.C. s. 1621, or for federal public benefits,  
 187 as defined in 8 U.S.C. s. 1611, that are administered by the  
 188 agency or political subdivision.

189 (2) This section shall be enforced without regard to race,  
 190 religion, gender, ethnicity, or national origin.

191 (3) Verification of an individual's lawful presence in the  
 192 United States under this section shall not be required for:

193 (a) Any purpose for which lawful presence in the United  
 194 States is not required by law, ordinance, or regulation;

195        (b) Assistance for health care items and services that are  
 196 necessary for the treatment of an emergency medical condition,  
 197 as defined in 42 U.S.C. s. 1396b(v) (3), of the alien involved  
 198 and are not related to an organ transplant procedure;

199        (c) Short-term, non-cash, in-kind emergency disaster  
 200 relief;

201        (d) Public health assistance for immunizations with  
 202 respect to immunizable diseases and for testing and treatment of  
 203 symptoms of communicable diseases whether or not such symptoms  
 204 are caused by a communicable disease;

205        (e) Programs, services, or assistance such as soup  
 206 kitchens, crisis counseling and intervention, and short-term  
 207 shelter specified by the United States Attorney General, in the  
 208 United States Attorney General's sole and unreviewable  
 209 discretion after consultation with appropriate federal agencies  
 210 and departments, which:

211            1. Deliver in-kind services at the community level,  
 212 including through public or private nonprofit agencies;

213            2. Do not condition the provision of assistance, the  
 214 amount of assistance provided, or the cost of assistance  
 215 provided on the individual recipient's income or resources; and

216            3. Are necessary for the protection of life or safety;

217        (f) Prenatal care; or

218        (g) Postsecondary education.

219        (4) The Board of Governors of the State University System  
 220 shall set forth, or cause to be set forth, policies regarding  
 221 postsecondary education benefits that comply with all applicable  
 222 federal laws including, but not limited to, those governing

223 ineligibility for public benefits as described in 8 U.S.C. s.  
 224 1611, s. 1621, or s. 1623.

225 (5) (a) Verification of lawful presence in the United  
 226 States by the agency or political subdivision required to make  
 227 such verification shall occur as follows:

228 1. The applicant for benefits must execute an affidavit  
 229 stating that he or she is a United States citizen or a permanent  
 230 legal resident of the United States and is 18 years of age or  
 231 older; or

232 2. The applicant for benefits must execute an affidavit  
 233 stating that he or she is a qualified alien or nonimmigrant  
 234 under the federal Immigration and Nationality Act, is 18 years  
 235 of age or older, and is lawfully present in the United States.

236 (b) Any person who knowingly and willfully makes a false,  
 237 fictitious, or fraudulent statement or representation in an  
 238 affidavit executed pursuant to paragraph (a) commits a  
 239 misdemeanor of the first degree, punishable as provided in s.  
 240 775.082 or s. 775.083.

241 (6) For any applicant who has executed an affidavit  
 242 attesting to the fact that he or she is an alien lawfully  
 243 present in the United States, eligibility for benefits shall be  
 244 made through the Systematic Alien Verification for Entitlements  
 245 Program (SAVE) established by the United States Bureau of  
 246 Citizenship and Immigration Services or a successor program  
 247 designated by the United States Department of Homeland Security.  
 248 Until such verification of eligibility is made, the affidavit  
 249 may be presumed to be proof of lawful presence in the United  
 250 States for the purposes of this section.

251 (7) In carrying out the provisions of this section,  
 252 agencies or political subdivisions of this state shall endeavor  
 253 to improve efficiency, reduce delay in the verification process,  
 254 and provide for the expedient resolution of unique individual  
 255 circumstances where verification procedures would impose an  
 256 unusual hardship on a legal resident of the state.

257 (8) (a) No agency or political subdivision of this state  
 258 shall provide any state, local, or federal benefit, as defined  
 259 in 8 U.S.C. s. 1611 or s. 1621, in violation of this section.

260 (b) Each state agency or department that administers any  
 261 program of state or local public benefits shall compile an  
 262 annual report with respect to its compliance with this section.

263 (9) Any and all errors and significant delays by the  
 264 Systematic Alien Verification for Entitlements Program shall be  
 265 reported to the United States Department of Homeland Security  
 266 and to the Secretary of State, who will monitor the program and  
 267 its verification application errors and significant delays and  
 268 report annually on such errors and significant delays to ensure  
 269 that the application of the program is not wrongfully denying  
 270 benefits to legal residents of the state.

271 (10) Notwithstanding subsection (5), any applicant for  
 272 federal benefits as defined in 8 U.S.C. s. 1611 or state or  
 273 local benefits as defined in 8 U.S.C. s. 1621 shall not be  
 274 guilty of any crime for executing an affidavit attesting to  
 275 lawful presence in the United States that contains a false  
 276 statement if such affidavit is not required by this section.

277 Section 2. Section 337.163, Florida Statutes, is created  
 278 to read:

279 337.163 Compliance with federal work authorization  
 280 program.--

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

282 (a) "Federal work authorization program" means any program  
 283 operated by the United States Department of Homeland Security  
 284 that provides electronic verification of work authorization  
 285 issued by the United States Bureau of Citizenship and  
 286 Immigration Services or any equivalent federal work  
 287 authorization program operated by the United States Department  
 288 of Homeland Security that provides for the verification of  
 289 information regarding newly hired employees under the  
 290 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.

291 (b) "Subcontractor" means any entity providing services  
 292 for a contractor, whether as subcontractor, contract employee,  
 293 staffing agency, or other entity, regardless of the level of  
 294 subcontracting duties, if the services provided are related to  
 295 the contractor's contract with the department.

296 (2) Commencing July 1, 2009, the department shall not  
 297 enter into a contract under this chapter for the physical  
 298 performance of services within this state unless the contractor  
 299 registers and participates in a federal work authorization  
 300 program.

301 (3) No contractor who receives a contract award under this  
 302 chapter for the physical performance of services within this  
 303 state shall execute a contract, purchase order, or subcontract  
 304 in connection with the award unless the contractor and all  
 305 subcontractors providing services for the contractor register  
 306 and participate in a federal work authorization program. The

307 contractor shall certify in writing to the department that it is  
 308 in compliance with this subsection.

309 (4) A contractor shall ensure that each subcontractor  
 310 providing services for the contractor registers and participates  
 311 in a federal work authorization program. Each subcontractor  
 312 shall certify in writing to the contractor that it is in  
 313 compliance with this subsection.

314 (5) This section shall be enforced without regard to race,  
 315 religion, gender, ethnicity, or national origin.

316 (6) The Secretary of Transportation shall prescribe all  
 317 forms and adopt rules deemed necessary for the application of  
 318 this section to any contract or agreement relating to public  
 319 transportation and shall publish such rules and regulations on  
 320 the department's Internet website.

321 Section 3. This act shall take effect July 1, 2008, except  
 322 that subsection (2) of section 986.05, Florida Statutes, as  
 323 created by this act, shall take effect only if funding under the  
 324 federal Homeland Security Appropriation Act of 2008 or any  
 325 subsequent source of federal funding is provided to fund the  
 326 provisions of that subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0159

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Committee on State Affairs  
2 Representative Adams offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6  
7 Section 1. This act may be cited as the "Florida Security  
8 and Immigration Compliance Act."

9 Section 2. Section 287.0575, Florida Statutes, is created  
10 to read:

11 287.0575 Compliance with federal work authorization  
12 programs.--

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

14 (a) "Federal work authorization program" means any program  
15 operated by the United States Department of Homeland Security  
16 that provides electronic verification of work authorization  
17 issued by the United States Citizenship and Immigration Services  
18 or any equivalent federal work authorization program operated by  
19 the United States Department of Homeland Security that provides  
20 for the verification of information regarding newly hired

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21 employees under the Immigration Reform and Control Act of 1986,  
22 Pub. L. No. 99-603.

23 (b) "Subcontractor" means a person who enters into a  
24 contract with a contractor for the performance of any part of  
25 the contractor's contract.

26 (2) No agency shall enter into a contract under s. 287.057  
27 for contractual services unless the contractor registers and  
28 participates in a federal work authorization program.

29 (3) No contractor who receives a contract award under s.  
30 287.057 for contractual services shall execute a contract,  
31 purchase order, or subcontract in connection with the award  
32 unless the contractor and all subcontractors providing services  
33 for the contractor register and participate in a federal work  
34 authorization program. The contractor shall certify in writing  
35 to the agency that it is in compliance with this subsection.

36 (4) A contractor shall ensure that each subcontractor  
37 providing services for the contractor registers and participates  
38 in a federal work authorization program. Each subcontractor  
39 shall certify in writing to the contractor that it is in  
40 compliance with this subsection.

41 (5) Subsections (2), (3), and (4) shall apply as follows:

42 (a) On or after July 1, 2008, with respect to contractors  
43 or subcontractors of 500 or more employees;

44 (b) On or after July 1, 2009, with respect to contractors  
45 or subcontractors of 100 or more employees; and

46 (c) On or after July 1, 2010, with respect to all  
47 contractors, or subcontractors.

48 (6) This section shall be enforced without regard to race,  
49 religion, gender, ethnicity, or national origin.



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50       (7) The department shall adopt rules deemed necessary to  
51 administer this section, including prescribing forms.

52       Section 3. Section 337.163, Florida Statutes, is created  
53 to read:

54       337.163 Compliance with federal work authorization  
55 program.--

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

57       (a) "Federal work authorization program" means any program  
58 operated by the United States Department of Homeland Security  
59 that provides electronic verification of work authorization  
60 issued by the United States Citizenship and Immigration Services  
61 or any equivalent federal work authorization program operated by  
62 the United States Department of Homeland Security that provides  
63 for the verification of information regarding newly hired  
64 employees under the Immigration Reform and Control Act of 1986,  
65 Pub. L. No. 99-603.

66       (b) "Subcontractor" means a person who enters into a  
67 contract with a contractor for the performance of any part of  
68 the contractor's contract.

69       (2) The department shall not enter into a contract under  
70 this chapter for contractual services unless the contractor  
71 registers and participates in a federal work authorization  
72 program.

73       (3) No contractor who receives a contract award under this  
74 chapter for contractual services shall execute a contract,  
75 purchase order, or subcontract in connection with the award  
76 unless the contractor and all subcontractors providing services  
77 for the contractor register and participate in a federal work  
78 authorization program. The contractor shall certify in writing  
79 to the department that it is in compliance with this subsection.

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80 (4) A contractor shall ensure that each subcontractor  
81 providing services for the contractor registers and participates  
82 in a federal work authorization program. Each subcontractor  
83 shall certify in writing to the contractor that it is in  
84 compliance with this subsection.

85 (5) Subsections (2), (3), and (4) of this section shall  
86 apply as follows:

87 (a) On or after July 1, 2008, with respect to contractors  
88 or subcontractors of 500 or more employees;

89 (b) On or after July 1, 2009, with respect to contractors  
90 or subcontractors of 100 or more employees; and

91 (c) On or after July 1, 2010, with respect to all  
92 contractors or subcontractors.

93 (6) This section shall be enforced without regard to race,  
94 religion, gender, ethnicity, or national origin.

95 (7) The department shall adopt rules deemed necessary to  
96 administer this section, including prescribing forms.

97 Section 4. Subsections (8) and (9) are added to section  
98 943.0311, Florida Statutes, to read:

99 943.0311 Chief of Domestic Security; duties of the  
100 department with respect to domestic security.--

101 (8)(a) The Chief of Domestic Security shall negotiate the  
102 terms of a memorandum of understanding between the State of  
103 Florida and the United States Department of Justice or the  
104 United States Department of Homeland Security concerning:

105 1. The enforcement of federal immigration and customs  
106 laws.

107 2. The detention and removal of individuals not lawfully  
108 present in the United States.

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109 3. Investigations related to illegal immigration in the  
110 state.

111 4. The establishment of law enforcement training standards  
112 and the creation of law enforcement training programs as  
113 provided in subsection (9).

114 (b) The memorandum of understanding shall be signed on  
115 behalf of the state by the Chief of Domestic Security and the  
116 Governor, or as otherwise required by the appropriate federal  
117 agency.

118 (9)(a) Contingent upon funding in the federal Homeland  
119 Security Appropriation Act of 2008 or any subsequent source of  
120 federal funding, the Chief of Domestic Security shall work with  
121 the regional domestic security task forces and the various state  
122 entities responsible for establishing training standards  
123 applicable to law enforcement officers to establish training  
124 standards and create training programs the purpose of which is  
125 to enhance the ability of law enforcement officers to enforce  
126 federal immigration and customs laws while performing within the  
127 scope of their authorized duties.

128 (b) A law enforcement officer, as defined in s. 943.10,  
129 who is trained in accordance with the standards established  
130 pursuant to this subsection is authorized to enforce federal  
131 immigration and customs laws while performing within the scope  
132 of his or her authorized duties.

133 Section 5. Section 951.30, Florida Statutes, is created to  
134 read:

135 951.30 County and municipal detention facilities;  
136 determination of lawful immigration status.--

137 (1) If the lawful immigration status of any person who is  
138 charged with a crime and confined to a county or municipal

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139 detention facility for any period of time cannot be verified  
140 from documents in the possession of the county or municipal  
141 prisoner or after a reasonable effort on the part of law  
142 enforcement officials, such verification shall be made within 48  
143 hours through a query to the Law Enforcement Support Center  
144 (LESC) of the United States Department of Homeland Security or  
145 other office or agency designated for that purpose by the United  
146 States Department of Homeland Security. If it is determined that  
147 a county or municipal prisoner is in the United States  
148 unlawfully, the law enforcement agency shall notify the United  
149 States Department of Homeland Security.

150 (2) Nothing in this section shall be construed to deny a  
151 person bond or prevent a person from being released from  
152 confinement if such person is otherwise eligible for release.

153 (3) The Florida Sheriffs Association shall prepare and  
154 issue guidelines and procedures for compliance with the  
155 provisions of this section.

156 Section 6. Part IV of chapter 23, Florida Statutes,  
157 consisting of section 23.40, is created to read:

158 PART IV

159 AGENCY ADMINISTRATION OF PUBLIC BENEFITS

160 23.40 Agency administration of public benefits;  
161 verification of lawful status.--

162 (1) Except as provided in subsection (3) or where exempted  
163 by federal law, no later than July 1, 2009, every agency, as  
164 defined in s. 287.012(1), shall verify the lawful presence in  
165 the United States of any natural person 18 years of age or older  
166 who has applied for state or local public benefits, as defined  
167 in 8 U.S.C. s. 1621, or for federal public benefits, as defined  
168 in 8 U.S.C. s. 1611, that are administered by the agency.

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169 (2) This section shall be enforced without regard to race,  
170 religion, gender, ethnicity, or national origin.

171 (3) Verification of an individual's lawful presence in the  
172 United States under this section shall not be required for:

173 (a) Any purpose for which lawful presence in the United  
174 States is not required by law, ordinance, or regulation;

175 (b) Assistance for health care items and services that are  
176 necessary for the treatment of an emergency medical condition,  
177 as defined in 42 U.S.C. s. 1396b(v)(3), of the alien involved  
178 and are not related to an organ transplant procedure;

179 (c) Short-term, non-cash, in-kind emergency disaster  
180 relief;

181 (d) Public health assistance for immunizations with  
182 respect to immunizable diseases and for testing and treatment of  
183 symptoms of communicable diseases whether or not such symptoms  
184 are caused by a communicable disease;

185 (e) Programs, services, or assistance such as soup  
186 kitchens, crisis counseling and intervention, and short-term  
187 shelter specified by the United States Attorney General, in the  
188 United States Attorney General's sole and unreviewable  
189 discretion after consultation with appropriate federal agencies  
190 and departments, which:

191 1. Deliver in-kind services at the community level,  
192 including through public or private nonprofit agencies;

193 2. Do not condition the provision of assistance, the  
194 amount of assistance provided, or the cost of assistance  
195 provided on the individual recipient's income or resources; and

196 3. Are necessary for the protection of life or safety;

197 (f) Prenatal care; or

198 (g) Postsecondary education.

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199       (4) The Board of Governors of the State University System  
200 shall set forth, or cause to be set forth, policies regarding  
201 postsecondary education benefits that comply with all applicable  
202 federal laws including, but not limited to, those governing  
203 ineligibility for public benefits as described in 8 U.S.C. s.  
204 1611, s. 1621, or s. 1623.

205       (5) (a) Verification of lawful presence in the United  
206 States by the agency or political subdivision required to make  
207 such verification shall occur as follows:

208       1. The applicant for benefits must execute an affidavit  
209 stating that he or she is a United States citizen or a permanent  
210 legal resident of the United States and is 18 years of age or  
211 older; or

212       2. The applicant for benefits must execute an affidavit  
213 stating that he or she is a qualified alien or nonimmigrant  
214 under the federal Immigration and Nationality Act, is 18 years  
215 of age or older, and is lawfully present in the United States.

216       (b) Any person who knowingly and willfully makes a false,  
217 fictitious, or fraudulent statement or representation in an  
218 affidavit executed pursuant to paragraph (a) commits a  
219 misdemeanor of the first degree, punishable as provided in s.  
220 775.082 or s. 775.083.

221       (6) For any applicant who has executed an affidavit  
222 attesting to the fact that he or she is an alien lawfully  
223 present in the United States, verification of an applicant's  
224 immigration status shall be made through the Systematic Alien  
225 Verification for Entitlements Program (SAVE) established by the  
226 United States Citizenship and Immigration Services or a  
227 successor program designated by the United States Department of  
228 Homeland Security. Until such verification of eligibility is

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229 made, the affidavit may be presumed to be proof of lawful  
230 presence in the United States for the purposes of this section.

231 (7) In carrying out the provisions of this section,  
232 agencies shall endeavor to improve efficiency, reduce delay in  
233 the verification process, and provide for the expedient  
234 resolution of unique individual circumstances where verification  
235 procedures would impose an unusual hardship on a legal resident  
236 of the state.

237 (8) (a) No agency shall provide any state, local, or  
238 federal benefit, as defined in 8 U.S.C. s. 1611 or s. 1621, in  
239 violation of this section.

240 (b) Each state agency or department that administers any  
241 program of state or local public benefits shall compile an  
242 annual report with respect to its compliance with this section.

243 (9) Any and all errors and significant delays by the  
244 Systematic Alien Verification for Entitlements Program shall be  
245 reported to the United States Department of Homeland Security  
246 and to the Secretary of State, who will monitor the program and  
247 its verification application errors and significant delays and  
248 report annually on such errors and significant delays to ensure  
249 that the application of the program is not wrongfully denying  
250 benefits to legal residents of the state.

251 (10) Notwithstanding subsection (5), any applicant for  
252 federal benefits as defined in 8 U.S.C. s. 1611 or state or  
253 local benefits as defined in 8 U.S.C. s. 1621 shall not be  
254 guilty of any crime for executing an affidavit attesting to  
255 lawful presence in the United States that contains a false  
256 statement if such affidavit is not required by this section.

257 Section 7. This act shall take effect July 1, 2008, except  
258 that subsection (9) of section 943.0311, Florida Statutes, as

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259 created by this act, shall take effect only if funding under the  
260 federal Homeland Security Appropriation Act of 2008 or any  
261 subsequent source of federal funding is provided to fund the  
262 provisions of that subsection.

263

264

265

266

-----  
**T I T L E   A M E N D M E N T**

267

Remove the entire title and insert:

268

A bill to be entitled

269

An act relating to enforcement of immigration laws;

270

providing a short title; creating s. 287.0575, F.S.;

271

providing definitions; prohibiting agencies from entering

272

into a contract for contractual services with contractors

273

not registered and participating in a federal work

274

authorization program; prohibiting contractors who receive

275

a contract award for contractual services under s.

276

287.057, F.S., from executing a contract, purchase order,

277

or subcontract in connection with the award unless the

278

contractor and all subcontractors providing services for

279

the contractor register and participate in a federal work

280

authorization program; providing procedures and

281

requirements with respect to compliance with registration

282

and participation requirements by contractors and

283

subcontractors; providing a phase-in period for

284

compliance; requiring the Department of Management

285

Services to adopt rules; creating s. 337.163, F.S.;

286

providing definitions; prohibiting the Department of

287

Transportation from entering into a contract for

288

contractual services with contractors not registered and



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289 participating in a federal work authorization program;  
290 prohibiting contractors who receive a contract award for  
291 contractual services under ch. 337, F.S., from executing a  
292 contract, purchase order, or subcontract in connection  
293 with the award unless the contractor and all  
294 subcontractors providing services for the contractor  
295 register and participate in a federal work authorization  
296 program; providing procedures and requirements with  
297 respect to compliance with registration and participation  
298 requirements by contractors and subcontractors; providing  
299 a phase-in period for compliance; requiring the department  
300 to adopt rules; amending s. 943.0311, F.S.; requiring the  
301 Chief of Domestic Security to negotiate the terms of a  
302 memorandum of understanding between the state and the  
303 certain federal government entities concerning the  
304 enforcement of federal immigration and customs laws, the  
305 detention and removal individuals not lawfully present in  
306 the United States, investigations related to illegal  
307 immigration in the state, the establishment of specified  
308 law enforcement training standards, and the creation of  
309 specified law enforcement training programs; providing for  
310 the establishment of law enforcement training standards  
311 and the creation of training programs contingent upon  
312 federal funding; providing that law enforcement officers  
313 trained in accordance with such standards are authorized  
314 to enforce federal immigration and customs laws while  
315 performing within the scope of their authorized duties;  
316 creating s. 951.30, F.S.; providing requirements and  
317 procedures with respect to the determination of lawful  
318 immigration status of persons charged with a crime and

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319 confined to a county or municipal detention facility;  
320 providing construction; requiring the Florida Sheriffs  
321 Association to prepare and issue specified guidelines and  
322 procedures; creating part IV of ch. 23, F.S., entitled  
323 "Agency Administration of Public Benefits"; creating s.  
324 23.40, F.S.; requiring agencies to verify the lawful  
325 presence in the United States of any natural person 18  
326 years of age or older who has applied for state or local  
327 public benefits, or for federal public benefits, that are  
328 administered by an agency by a specified date; providing  
329 exceptions; requiring the Board of Governors of the State  
330 University System to set forth policies regarding  
331 postsecondary education benefits; providing procedures and  
332 requirements with respect to verification of lawful  
333 presence in the United States by an agency; providing a  
334 penalty for knowingly and willfully making a false,  
335 fictitious, or fraudulent statement or representation in  
336 an affidavit executed under the act; providing procedure  
337 with respect to verification of eligibility for benefits;  
338 prohibiting any agency from providing any state, local, or  
339 federal benefit in violation of the act; providing for  
340 specified annual reports; providing effective dates.





1                   A bill to be entitled  
 2           An act relating to illegal aliens; providing definitions;  
 3           requiring law enforcement officers, sheriffs, chief  
 4           correctional officers, and clerks of the circuit court to  
 5           report to the Immigration and Customs Enforcement office  
 6           of the United States Department of Homeland Security  
 7           suspected illegal aliens who are arrested, detained, or  
 8           convicted of a felony; requiring law enforcement agencies  
 9           to provide written notice to each law enforcement officer  
 10          of the officer's duty to cooperate with federal officials  
 11          with regards to federal immigration laws; requiring the  
 12          Office of the Attorney General, the Department of Law  
 13          Enforcement, and all state and local law enforcement  
 14          agencies to vigorously pursue all opportunities to collect  
 15          federal funds to which the state may be entitled for the  
 16          reimbursement of moneys spent to enforce federal  
 17          immigration laws; providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Illegal aliens; reporting to federal  
 22           officials.--

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

24           (a) "County or municipal detention facility" has the same  
 25           meaning as in s. 951.23, Florida Statutes.

26           (b) "Law enforcement officer" has the same meaning as in  
 27           s. 943.10, Florida Statutes.

28           (c) "Law enforcement agency" means any agency or unit of

29 government which has authority to employ or appoint law  
 30 enforcement officers.

31 (2) (a) If a law enforcement officer has probable cause to  
 32 believe that a person arrested for a felony offense is not  
 33 legally present in the United States, the officer shall report  
 34 that person to the Immigration and Customs Enforcement office of  
 35 the United States Department of Homeland Security.

36 (b) If a person arrested for a felony offense is detained  
 37 in a county or municipal detention facility and the sheriff or  
 38 chief correctional officer reasonably believes that the person  
 39 is not legally present in the United States, the sheriff or  
 40 chief correctional officer shall report that person to the  
 41 Immigration and Customs Enforcement office of the United States  
 42 Department of Homeland Security.

43 (c) A judge of the circuit court shall direct the clerk of  
 44 the circuit court to notify the Immigration and Customs  
 45 Enforcement office of the United States Department of Homeland  
 46 Security when a suspected alien has been convicted of or pleaded  
 47 guilty to a felony.

48 (3) (a) Each law enforcement agency shall provide written  
 49 notice to its law enforcement officers of each officer's duty to  
 50 cooperate with federal officials with regards to enforcing  
 51 federal laws governing immigration.

52 (b) Each law enforcement agency shall provide written  
 53 confirmation to the Department of Law Enforcement by March 1 of  
 54 each year that it has provided the notice to each officer  
 55 employed by the agency.

56 (4) The Office of the Attorney General, the Department of

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57 Law Enforcement, and all state and local law enforcement  
58 agencies shall vigorously pursue all opportunities to collect  
59 all federal funds to which the state may be entitled for the  
60 reimbursement of moneys spent to enforce federal immigration  
61 laws.

62       Section 2. This act shall take effect July 1, 2008.









1                                   A bill to be entitled  
 2           An act relating to illegal or undocumented aliens;  
 3           creating s. 775.0865, F.S.; requiring that the court  
 4           reclassify a felony or misdemeanor offense to the next  
 5           higher degree if the offense is the second or subsequent  
 6           offense committed by an illegal or undocumented alien who  
 7           has unlawfully reentered the United States after  
 8           deportation; providing for application of the severity  
 9           ranking chart of the Criminal Punishment Code; defining  
 10          the term "illegal or undocumented alien"; creating s.  
 11          944.5965, F.S.; requiring that the Department of  
 12          Corrections provide to the United States Department of  
 13          Homeland Security certain information concerning inmates  
 14          who are suspected of being illegal or undocumented aliens;  
 15          requiring that the department transfer an illegal or  
 16          undocumented alien to the custody of the United States  
 17          Department of Homeland Security upon completion of  
 18          sentence; providing procedures for the Department of  
 19          Corrections to transfer illegal or undocumented aliens who  
 20          voluntarily choose to return to their country of origin;  
 21          providing an effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Section 775.0865, Florida Statutes, is created  
 26   to read:  
 27           775.0865 Crimes committed by an illegal or undocumented  
 28   alien; felony or misdemeanor reclassification.--

29           (1) If an illegal or undocumented alien is convicted of  
 30 committing a felony or misdemeanor in this state and:

31           (a) Has previously been convicted of a felony or  
 32 misdemeanor in this state;

33           (b) Has been deported to his or her home country by the  
 34 Bureau of Immigration and Customs Enforcement of the United  
 35 States Department of Homeland Security; and

36           (c) Has reentered the United States without legal  
 37 authorization and documentation,

38  
 39 the court shall reclassify the felony or misdemeanor to the next  
 40 higher degree as provided in this section.

41           (2) The reclassification shall be made in the following  
 42 manner:

43           (a) In the case of a misdemeanor of the second degree, the  
 44 offense shall be reclassified as a misdemeanor of the first  
 45 degree.

46           (b) In the case of a misdemeanor of the first degree, the  
 47 offense shall be reclassified as a felony of the third degree.

48           (c) In the case of a felony of the third degree, the  
 49 offense shall be reclassified as a felony of the second degree.

50           (d) In the case of a felony of the second degree, the  
 51 offense shall be reclassified as a felony of the first degree.

52           (e) In the case of a felony of the first degree or a  
 53 felony of the first degree punishable by a term of imprisonment  
 54 not exceeding life, the offense shall be reclassified as a life  
 55 felony.

56 (3) For purposes of sentencing under chapter 921, the  
 57 following offense severity ranking levels apply:

58 (a) An offense that is a misdemeanor of the first degree  
 59 and that is reclassified under this section as a felony of the  
 60 third degree shall be ranked in level 2 of the offense severity  
 61 ranking chart.

62 (b) A felony offense that is reclassified under this  
 63 section shall be one level above the ranking specified in s.  
 64 921.0022 or s. 921.0023 for the offense committed.

65 (4) As used in this section, the term "illegal or  
 66 undocumented alien" means a person who:

67 (a) Is not a citizen of the United States;

68 (b) Has entered the United States in violation of federal  
 69 law;

70 (c) Is not lawfully present in the United States; or

71 (d) Has legally entered the United States subject to a  
 72 time limit but has remained illegally in the United States after  
 73 the expiration of the time limit.

74 Section 2. Section 944.5965, Florida Statutes, is created  
 75 to read:

76 944.5965 List of suspected illegal or undocumented aliens;  
 77 notifications to the United States Department of Homeland  
 78 Security; voluntary transfer of illegal or undocumented aliens  
 79 to their countries of origin; procedures.--

80 (1) The department shall compile monthly a list of persons  
 81 suspected to be illegal or undocumented aliens who are serving a  
 82 sentence in a correctional institution in this state. The list  
 83 shall include the earliest possible date of release of the

84 offender, whether through expiration of the term of the imposed  
 85 sentence, parole, or other means. The department shall provide a  
 86 copy of the list to the Immigration and Customs Enforcement  
 87 Section of the United States Department of Homeland Security so  
 88 that the section may determine whether it wishes to take custody  
 89 of the suspected illegal or undocumented aliens. If the  
 90 Immigration and Customs Enforcement Section indicates that it  
 91 wishes to take custody of an inmate, the department is  
 92 responsible for the inmate until the section takes physical  
 93 custody of the inmate.

94 (2) The department, pursuant to a valid detainer lodged  
 95 against an illegal or undocumented alien who is not legally  
 96 present in the United States and who has been convicted of or  
 97 has pled guilty to a felony, shall transfer that alien to the  
 98 custody of the Immigration and Customs Enforcement Section of  
 99 the United States Department of Homeland Security upon  
 100 completion of the alien's prison term.

101 (3) The department may at any time interview inmates  
 102 appearing on the monthly list of persons suspected to be illegal  
 103 or undocumented aliens who are serving a sentence in a  
 104 correctional institution in this state. The department may ask  
 105 the inmate whether he or she would prefer to finish his or her  
 106 sentence in the correctional facility or whether he or she would  
 107 prefer to be released from incarceration and returned to his or  
 108 her country of origin. If the inmate voluntarily agrees to be  
 109 returned to his or her country of origin, the department shall  
 110 purchase for the inmate a one-way airplane ticket to the  
 111 inmate's country of origin. The department shall transfer the

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112 inmate to the county jail in the county of the airport from  
113 which the inmate will depart. At the time of departure, deputies  
114 of the sheriff shall escort the inmate from the county jail to  
115 the appropriate airplane and may not leave the airport boarding  
116 area until the airplane is airborne.

117       Section 3. This act shall take effect July 1, 2008.





HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 577**

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

1 Council/Committee hearing bill: Committee on State Affairs  
2 Representative(s) Williams offered the following:

3  
4       **Amendment (with title amendment)**

5       Remove everything after the enacting clause and insert:

6       Section 1. The Department of Corrections and the Parole  
7 Commission shall immediately initiate, coordinate, and establish  
8 agreements among multiple state, local, and federal authorities  
9 to implement the United States Immigration and Customs  
10 Enforcement Rapid Removal of Eligible Parolees Accepted for  
11 Transfer (REPAT) program. The goals of this effort shall be to:

12       (1) Ensure deportable aliens are not released from prison  
13 to the community;

14       (2) Reduce the number of criminal aliens incarcerated in  
15 the state prison system;

16       (3) Provide for the mandatory revocation of control  
17 release and confinement of criminal aliens who reenter the  
18 United States and who are rearrested in Florida;

19       (4) Allow eligible inmates to be released for deportation  
20 purposes prior to the expiration of the sentence;

21       (5) Expedite the deportation process; and

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22 (6) Improve information-sharing procedures between the  
23 Immigration and Customs Enforcement Section of the United States  
24 Department of Homeland Security and the department.

25 Section 2. Section 947.1461, Florida Statutes, is created  
26 to read:

27 947.1461 Control release for removal and deportation  
28 only.--

29 (1) The Department of Corrections shall begin at the  
30 inmate reception process a procedure to identify eligible aliens  
31 to determine if deportation is feasible and in the best  
32 interests of the state. Aliens who are ineligible for the  
33 federal deportation process pursuant to this section are inmates  
34 who are ineligible for control release pursuant to s.  
35 947.146(3)(a)-(m).

36 (2) The Department of Corrections shall coordinate with  
37 the federal authorities to determine immigration status and  
38 eligibility for removal and to obtain the final removal order.

39 (3) The Department of Corrections shall identify aliens  
40 for removal who have voluntarily waived all administrative and  
41 judicial appellate rights in writing, and if the alien agrees in  
42 writing to fully cooperate with federal authorities to obtain  
43 valid travel documentation and facilitate removal.

44 (4) Upon acceptance into the federal deportation program,  
45 the Control Release Authority shall establish a control release  
46 date for the alien to be transferred into federal custody.  
47 Notwithstanding the provisions of s. 944.275(4)(b)3., the  
48 Control Release Authority may establish a control release date  
49 after the alien has served a minimum of 50 percent of his or her  
50 court-imposed sentence.

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51       (5) The Department of Corrections shall maintain exclusive  
52 control and responsibility for the custody and transportation of  
53 aliens to and from federal facilities.

54       (6) The Control Release Authority shall provide notice and  
55 obtain acknowledgement in writing that notice was given to  
56 aliens eligible for deportation that illegal reentry into the  
57 United States requires the return of such aliens to the custody  
58 of the Department of Corrections to complete the remainder of  
59 their court-imposed sentence. The alien must also waive in  
60 writing any and all rights of extradition which would challenge  
61 the alien's return to the Department of Corrections and Control  
62 Release Authority to complete the remainder of his or her  
63 sentence.

64       (7) Under no circumstances shall an alien receive the  
65 benefits of control release awards when the federal authorities  
66 determine that the alien's removal is not reasonably  
67 foreseeable.

68       (8) The Department of Corrections shall compile statistics  
69 on this program, including the number of aliens who are  
70 transferred to federal custody, the number of aliens who are  
71 actually removed from the United States, the number of aliens  
72 who reenter the United States, and the annualized cost-avoidance  
73 achieved.

74       Section 3. Subsections (2), (5), and (7) of section  
75 947.146, Florida Statutes, are amended to read:

76       947.146 Control Release Authority.--

77       (2) The authority shall implement a system for determining  
78 the number and type of inmates who must be released into the  
79 community under control release in order to maintain the state  
80 prison system between 99 and 100 percent of its total capacity  
81 as defined in s. 944.023 or to execute an immediate deportation

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82 order from federal immigration authorities. No inmate has a  
83 right to control release. Control release is an administrative  
84 function solely used to manage the state prison population  
85 within total capacity and to expedite the deportation process.  
86 An inmate may not receive an advancement of his or her control  
87 release date by an award of control release allotments for any  
88 period of time before the date the inmate becomes statutorily  
89 eligible for control release or before the subsequent date of  
90 establishment of the inmate's advanceable control release date.

91 (5) Whenever the inmate population drops below 99 percent  
92 of total capacity and remains below 99 percent for 90  
93 consecutive days without requiring the release of inmates under  
94 this section, all control release dates shall become void and no  
95 inmate shall be eligible for release under any previously  
96 established control release date. However, control release dates  
97 for deportation purposes shall not become void when the inmate  
98 population changes. An inmate shall not have a right to a  
99 control release date, nor shall the authority be required to  
100 establish or reestablish any additional control release dates  
101 except under the provisions of subsection (2).

102 (7) The authority has the power and duty to:

103 (a) Extend or advance the control release date of any  
104 inmate for whom a date has been established pursuant to  
105 subsection (2), based upon one or more of the following:

106 1. Recently discovered information of:

- 107 a. Past criminal conduct;
- 108 b. Verified threats by inmates provided by victims, law  
109 enforcement, or the department;
- 110 c. Potential risk to or vulnerability of a victim;
- 111 d. Psychological or physical trauma to the victim due to  
112 the criminal offense;

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- 113 e. Court-ordered restitution;
- 114 f. History of abuse or addiction to a chemical substance  
115 verified by a presentence or postsentence investigation report;
- 116 g. The inmate's ties to organized crime;
- 117 h. A change in the inmate's sentence structure;
- 118 i. Cooperation with law enforcement;
- 119 j. Strong community support; and
- 120 k. A documented mental condition as a factor for future  
121 criminal behavior.
- 122 2. The recommendation of the department regarding:
- 123 a. A medical or mental health-related condition; or
- 124 b. Institutional adjustment of the inmate, which may  
125 include refusal by the inmate to sign the agreement to the  
126 conditions of the release plan.
- 127 3. Total capacity of the state prison system.
- 128 4. Arrangements for the transfer of custody pending  
129 deportation.
- 130 (b) Authorize an individual commissioner to postpone a  
131 control release date for not more than 60 days without a hearing  
132 for any inmate who has become the subject of a disciplinary  
133 proceeding, a criminal arrest, an information, or an indictment;  
134 who has been terminated from work release; or about whom there  
135 is any recently discovered information as specified in paragraph  
136 (a).
- 137 (c) Determine the terms, conditions, and period of time of  
138 control release for persons released pursuant to this section.
- 139 (d) Determine violations of control release and what  
140 actions shall be taken with reference thereto.
- 141 (e) Provide for victim input into the decisionmaking  
142 process which may be used by the authority as aggravation or

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143 mitigation in determining which persons shall be released on  
144 control release.

145 (f) Make such investigations as may be necessary for the  
146 purposes of establishing, modifying, or revoking a control  
147 release date.

148 (g) Contract with a public defender or private counsel for  
149 representation of indigent persons charged with violating the  
150 terms of control release.

151 (h) Adopt such rules as the authority deems necessary for  
152 implementation of the provisions of this section.

153 Section 4. This act shall take effect July 1, 2008.  
154

155 -----  
156 **T I T L E A M E N D M E N T**

157 Remove the entire title and insert:

158 A bill to be entitled

159 An act relating to illegal or undocumented aliens; requiring the  
160 Department of Corrections and the Parole Commission to establish  
161 agreements to implement a federal deportation program for state  
162 inmates; specifying the goals of the program; creating s.  
163 947.1461, F.S., relating to the control release for removal and  
164 deportation; requiring the department to identify eligible  
165 inmates at the reception process; specifying eligibility  
166 criteria; requiring the department to coordinate with federal  
167 authorities to determine immigration status and eligibility for  
168 removal; specifying that eligible inmates waive administrative  
169 and appellate rights; requiring the Control Release Authority to  
170 establish control release dates; authorizing the control release  
171 dates to be set after the alien has served a minimum 50 percent  
172 of his or her court imposed sentence; requiring the Control  
173 Release Authority to give notice to aliens concerning reentering

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174 the United States; prohibiting aliens from benefiting from  
175 control release awards when removal is not reasonably  
176 foreseeable; requiring the department to compile and report  
177 certain statistics; amending s. 947.146, F.S., relating to the  
178 Control Release Authority; requiring the authority to implement  
179 a program to execute an immediate deportation order; providing  
180 an effective date.

181









1                                   A bill to be entitled  
2       An act relating to illegal immigration; providing a short  
3       title; providing definitions; requiring law enforcement  
4       officers, sheriffs, chiefs of police, chief correctional  
5       officers, and clerks of the circuit court to report to the  
6       Immigration and Customs Enforcement office of the United  
7       States Department of Homeland Security suspected illegal  
8       aliens who are arrested, detained, or convicted of a  
9       felony; providing a penalty for willful and knowing  
10      failure to make such report; requiring law enforcement  
11      agencies to provide written notice to each law enforcement  
12      officer of the officer's duty to cooperate with federal  
13      officials in the enforcement of federal immigration laws;  
14      requiring the Office of the Attorney General, the  
15      Department of Law Enforcement, and all state and local law  
16      enforcement agencies to vigorously pursue all  
17      opportunities to collect federal funds to which the state  
18      may be entitled for the reimbursement of moneys spent to  
19      enforce federal immigration laws; creating s. 111.076,  
20      F.S.; prohibiting restrictions on the reporting of certain  
21      immigration status information by public employees;  
22      providing for a writ of mandamus to compel compliance with  
23      certain laws; creating ss. 125.582 and 166.04935, F.S.;  
24      prohibiting certain local government restrictions  
25      concerning communication or cooperation with federal  
26      officials concerning immigration law enforcement; amending  
27      ss. 316.193 and 327.35, F.S.; requiring verification of  
28      the immigration status of certain persons confined for

29 driving under the influence or boating under the  
 30 influence; creating s. 409.954, F.S.; requiring  
 31 verification of the lawful presence in the United States  
 32 of persons over a specified age applying for certain  
 33 public benefits; providing exceptions; providing for  
 34 execution of affidavit of eligibility; providing for  
 35 verification of affidavit under a specified federal  
 36 program; providing for penalties for false affidavits;  
 37 providing for variation of requirements; providing for  
 38 adjudication of unique individual circumstances due to  
 39 unusual hardship; prohibiting provision of public benefits  
 40 in violation of specified provisions; providing for  
 41 reports; creating s. 448.095, F.S.; defining "worker  
 42 center" or "day-labor worker center"; prohibiting a county  
 43 or municipality from constructing, establishing,  
 44 maintaining, or operating, or providing funding,  
 45 resources, or assistance to, a worker center or day-labor  
 46 worker center that knowingly facilitates the illegal  
 47 hiring, recruiting, or referral of unauthorized aliens;  
 48 providing an effective date.

49

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

51

52 Section 1. This act may be cited as the "Florida Safe  
 53 Borders Act of 2008."

54 Section 2. Illegal aliens; reporting to federal  
 55 officials.--

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

57 (a) "County or municipal detention facility" has the same  
 58 meaning as in s. 951.23, Florida Statutes.

59 (b) "Law enforcement officer" has the same meaning as in  
 60 s. 943.10, Florida Statutes.

61 (c) "Law enforcement agency" means any agency or unit of  
 62 government which has authority to employ or appoint law  
 63 enforcement officers.

64 (2)(a) If a law enforcement officer has probable cause to  
 65 believe that a person arrested for a felony offense is not  
 66 legally present in the United States, the officer shall report  
 67 that person to the Immigration and Customs Enforcement office of  
 68 the United States Department of Homeland Security.

69 (b) If a person arrested for a felony offense is detained  
 70 in a county or municipal detention facility and the sheriff, the  
 71 chief of police, or the chief correctional officer of the  
 72 detention facility reasonably believes that the person is not  
 73 legally present in the United States, the sheriff, the chief of  
 74 police, or the chief correctional officer shall report that  
 75 person to the Immigration and Customs Enforcement office of the  
 76 United States Department of Homeland Security.

77 (c) A judge of the circuit court shall direct the clerk of  
 78 the circuit court to notify the Immigration and Customs  
 79 Enforcement office of the United States Department of Homeland  
 80 Security when a suspected illegal alien has been convicted of or  
 81 pled guilty to a felony.

82  
 83 A willful and knowing violation of paragraph (a), paragraph (b),  
 84 or paragraph (c) or a willful and knowing failure to make a

85 report or notification required under paragraph (a), paragraph  
 86 (b), or paragraph (c) is a misdemeanor of the second degree,  
 87 punishable as provided in s. 775.082 or s. 775.083.

88 (3) (a) Each law enforcement agency shall provide written  
 89 notice to its law enforcement officers of each officer's duty to  
 90 cooperate with federal officials in the enforcement of federal  
 91 laws governing immigration.

92 (b) Each law enforcement agency shall provide written  
 93 confirmation to the Department of Law Enforcement by March 1 of  
 94 each year that it has provided the notice required under  
 95 paragraph (a) to each officer employed by the agency.

96 (4) The Office of the Attorney General, the Department of  
 97 Law Enforcement, and all state and local law enforcement  
 98 agencies shall vigorously pursue all opportunities to collect  
 99 all federal funds to which the state may be entitled for the  
 100 reimbursement of moneys spent to enforce federal immigration  
 101 laws.

102 Section 3. Section 111.076, Florida Statutes, is created  
 103 to read:

104 111.076 Reporting of immigration status information.--

105 (1) Notwithstanding any other provision of law, no person  
 106 or agency may prohibit or in any way restrict a public employee  
 107 from doing any of the following with respect to information  
 108 regarding the immigration status of any individual:

109 (a) Sending such information to, or requesting or  
 110 receiving such information from, the United States Department of  
 111 Homeland Security;

112 (b) Maintaining such information; or

113 (c) Exchanging such information with any other federal,  
 114 state, or local governmental entity.

115 (2) A natural or legal person lawfully domiciled in this  
 116 state may obtain a writ of mandamus to compel any noncooperating  
 117 local state governmental agency to comply with such reporting  
 118 laws.

119 Section 4. Section 125.582, Florida Statutes, is created  
 120 to read:

121 125.582 Communicating or cooperating with federal  
 122 officials concerning immigration.--

123 (1) No county government, whether acting through its  
 124 governing body or by an initiative, referendum, or any other  
 125 process shall enact any ordinance or policy that limits or  
 126 prohibits a law enforcement officer, local official, or local  
 127 government employee from communicating or cooperating with  
 128 federal officials with regard to the immigration status of any  
 129 person within this state.

130 (2) Notwithstanding any other provision of law, no county  
 131 governmental entity or official may prohibit or in any way  
 132 restrict any governmental entity or official from sending to, or  
 133 receiving from, the United States Department of Homeland  
 134 Security information regarding the citizenship or immigration  
 135 status of any individual.

136 Section 5. Section 166.04935, Florida Statutes, is created  
 137 to read:

138 166.04935 Communicating or cooperating with federal  
 139 officials concerning immigration.--

140 (1) No municipal government, whether acting through its

141 governing body or by an initiative, referendum, or any other  
 142 process shall enact any ordinance or policy that limits or  
 143 prohibits a law enforcement officer, local official, or local  
 144 government employee from communicating or cooperating with  
 145 federal officials with regard to the immigration status of any  
 146 person within this state.

147 (2) Notwithstanding any other provision of law, no  
 148 municipal governmental entity or official may prohibit or in any  
 149 way restrict any governmental entity or official from sending  
 150 to, or receiving from, the United States Department of Homeland  
 151 Security information regarding the citizenship or immigration  
 152 status of any individual.

153 Section 6. Subsection (13) is added to section 316.193,  
 154 Florida Statutes, to read:

155 316.193 Driving under the influence; penalties.--

156 (13) (a) When a person charged under this section is  
 157 confined for any period in a jail or other detention center or  
 158 facility, a reasonable effort shall be made to determine the  
 159 citizenship status of that person.

160 (b) If the prisoner is a foreign national, the entity  
 161 confining the person shall make a reasonable effort to verify  
 162 that the prisoner has been lawfully admitted to the United  
 163 States and, if lawfully admitted, that such lawful status has  
 164 not expired. If verification of lawful status cannot be made  
 165 from documents in the possession of the prisoner, verification  
 166 shall be made within 48 hours of the beginning of the  
 167 confinement in paragraph (a) through a query to the United  
 168 States Department of Homeland Security. If the prisoner is



169 determined not to be lawfully admitted to the United States, the  
 170 entity holding the prisoner shall notify the United States  
 171 Department of Homeland Security.

172 (c) For the purpose of determining the grant of or  
 173 issuance of bond, a person whose citizenship status has been  
 174 verified pursuant to paragraph (b) to be a foreign national who  
 175 has not been lawfully admitted to the United States shall be  
 176 deemed to be a risk of flight.

177 (d) The Department of Law Enforcement has authority to  
 178 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 179 the provisions of this subsection.

180 Section 7. Subsections (9) and (10) of section 327.35,  
 181 Florida Statutes, are renumbered as subsections (10) and (11),  
 182 respectively, and a new subsection (9) is added to that section  
 183 to read:

184 327.35 Boating under the influence; penalties; "designated  
 185 drivers".--

186 (9) (a) When a person charged under this section is  
 187 confined for any period in a jail or other detention center or  
 188 facility, a reasonable effort shall be made to determine the  
 189 citizenship status of that person.

190 (b) If the prisoner is a foreign national, the entity  
 191 confining the person shall make a reasonable effort to verify  
 192 that the prisoner has been lawfully admitted to the United  
 193 States and, if lawfully admitted, that such lawful status has  
 194 not expired. If verification of lawful status cannot be made  
 195 from documents in the possession of the prisoner, verification  
 196 shall be made within 48 hours of the beginning of the

197 confinement in paragraph (a) through a query to the United  
 198 States Department of Homeland Security. If the prisoner is  
 199 determined not to be lawfully admitted to the United States, the  
 200 entity holding the prisoner shall notify the United States  
 201 Department of Homeland Security.

202 (c) For the purpose of determining the grant of or  
 203 issuance of bond, a person whose citizenship status has been  
 204 verified pursuant to paragraph (b) to be a foreign national who  
 205 has not been lawfully admitted to the United States shall be  
 206 deemed to be a risk of flight.

207 (d) The Department of Law Enforcement has authority to  
 208 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 209 the provisions of this subsection.

210 Section 8. Section 409.954, Florida Statutes, is created  
 211 to read:

212 409.954 Verification of immigration status for public  
 213 benefits.--

214 (1) Except as provided in subsection (3) or where exempted  
 215 by federal law, each agency and political subdivision of this  
 216 state shall verify the lawful presence in the United States of  
 217 any natural person 14 years of age or older who has applied for  
 218 state or local public benefits as defined in 8 U.S.C. s. 1621 or  
 219 for federal public benefits as defined in 8 U.S.C. s. 1611 that  
 220 are administered by an agency or a political subdivision of this  
 221 state.

222 (2) The provisions of this section shall be enforced  
 223 without regard to race, religion, gender, ethnicity, or national  
 224 origin.

225 (3) Verification of lawful presence in the United States  
 226 under the provisions of this section shall not be required:

227 (a) For any purpose for which lawful presence in the  
 228 United States is not restricted by law, ordinance, or  
 229 regulation;

230 (b) For assistance for health care items and services that  
 231 are necessary for the treatment of an emergency medical  
 232 condition, as defined in 42 U.S.C. s. 1396b(v)(3), of the alien  
 233 involved and are not related to an organ transplant procedure;

234 (c) For short-term, noncash, in-kind emergency disaster  
 235 relief;

236 (d) For public health assistance for immunizations with  
 237 respect to diseases and for testing and treatment of symptoms of  
 238 communicable diseases, whether or not such symptoms are caused  
 239 by a communicable disease;

240 (e) For programs, services, or assistance such as soup  
 241 kitchens, crisis counseling and intervention, and short-term  
 242 shelter specified by the United States Attorney General, in the  
 243 sole and unreviewable discretion of the United States Attorney  
 244 General after consultation with appropriate federal agencies and  
 245 departments, which:

246 1. Deliver in-kind services at the community level,  
 247 including through public or private nonprofit agencies;

248 2. Do not condition the provision of assistance, the  
 249 amount of assistance provided, or the cost of assistance  
 250 provided on the income or resources of the individual recipient;  
 251 and

252 3. Are necessary for the protection of life or safety; or

253           (f) For prenatal care.  
 254           (4) Verification of lawful presence in the United States  
 255 by the agency or political subdivision required to make such  
 256 verification shall require that the applicant execute an  
 257 affidavit under penalty of perjury that:  
 258           (a) He or she is a United States citizen; or  
 259           (b) He or she is a qualified alien under the Immigration  
 260 and Nationality Act, 8 U.S.C. ss. 1101 et seq., and is lawfully  
 261 present in the United States.  
 262           (5) For any applicant who has executed the affidavit  
 263 described in paragraph (4) (b), eligibility for benefits shall be  
 264 made through the Systematic Alien Verification of Entitlement  
 265 program operated by the United States Department of Homeland  
 266 Security or a successor program designated by that department.  
 267 Until such eligibility verification is made, the affidavit may  
 268 be presumed to be proof of lawful presence for the purposes of  
 269 this section.  
 270           (6) Any person who knowingly and willfully makes a false,  
 271 fictitious, or fraudulent statement or representation in an  
 272 affidavit executed pursuant to subsection (4) shall be subject  
 273 to criminal penalties applicable in this state for fraudulently  
 274 obtaining public assistance program benefits. If the affidavit  
 275 constitutes a false claim of United States citizenship under 18  
 276 U.S.C. s. 911, a complaint shall be filed by the agency  
 277 requiring the affidavit with the appropriate United States  
 278 Attorney.  
 279           (7) Any agency or political subdivision of this state may  
 280 adopt variations to the requirements of this section that

281 demonstrably improve the efficiency or reduce delay in the  
 282 verification process, or to provide for adjudication of unique  
 283 individual circumstances where the verification procedures in  
 284 this section would impose unusual hardship on a legal resident  
 285 of this state.

286 (8) No agency or political subdivision of this state shall  
 287 provide any state, local, or federal benefit, as defined in 8  
 288 U.S.C. s. 1611 or 8 U.S.C. s. 1621, in violation of this  
 289 section.

290 (9) Each state agency or department that administers any  
 291 program of state or local public benefits shall provide an  
 292 annual report to the Secretary of Children and Family Services  
 293 with respect to its compliance with the provisions of this  
 294 section. Any and all errors shall be reported to the United  
 295 States Department of Homeland Security by the Secretary of  
 296 Children and Family Services. The secretary shall monitor the  
 297 eligibility verification program used under subsection (5) and  
 298 any verification application errors and significant delays of  
 299 the program and each October 1 shall provide a report to the  
 300 Governor, the President of the Senate, and the Speaker of the  
 301 House of Representatives on the errors and significant delays  
 302 and make recommendations to ensure that the application of the  
 303 program is not erroneously denying benefits to legal residents  
 304 of this state.

305 Section 9. Section 448.095, Florida Statutes, is created  
 306 to read:

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307 448.095 County and municipal worker centers or day-labor  
 308 worker centers; unauthorized aliens; prohibited operation and  
 309 funding.--

310 (1) "Worker center" or "day-labor worker center" means any  
 311 structure, office, site, or location organized and operated by a  
 312 county or municipality , or organized and operated by a county  
 313 or municipality in partnership with a community organization,  
 314 church or other faith-based organization, law enforcement  
 315 agency, local business or businesses, labor union, or other  
 316 organization, whether or not the county or municipality assumes  
 317 the responsibilities of lead partner, which functions as a labor  
 318 pool, labor hall, or hiring hall at which workers assemble and  
 319 can arrange for employment, from which workers are dispatched,  
 320 and which provides basic accommodations and core regulations for  
 321 workers and employers that include, but are not limited to:

322 (a) A defined space for workers to assemble.

323 (b) A job allocation system that imposes order or a hiring  
 324 queue on the labor hiring process.

325 (c) A required system of registration whereby job seekers  
 326 and employers register with worker center staff.

327 (d) Fixed minimum wage rates.

328 (e) Required monitoring of labor standards, employer  
 329 behavior, and work quality.

330 (2) No county or municipality shall construct, establish,  
 331 maintain, or operate, or provide any resources, revenue, funds,  
 332 or assistance of any kind to, a worker center or day-labor  
 333 worker center as defined in subsection (1) when the center or  
 334 any part thereof knowingly facilitates or knowingly intends to

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335 | facilitate a violation of s. 448.09 by hiring, recruiting, or  
336 | referring, on behalf of the center or on behalf of another, for  
337 | private or public employment within the state, an alien who is  
338 | not duly authorized to work under federal immigration laws or by  
339 | the United States Attorney General.

340 |       Section 10. This act shall take effect October 1, 2008.









A bill to be entitled

An act relating to the immigration status of inmates; amending ss. 944.17 and 951.23, F.S.; requiring the Department of Corrections and the administrator of each county or municipal detention facility to train personnel processing inmates in identification of false or fraudulent immigration status documentation and other indicators of illegal presence in the United States; requiring examination of each incoming inmate's immigration status; requiring notification of federal officials whenever it is suspected that an inmate is not in the country legally; providing an effective date.

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

Section 1. Subsection (9) is added to section 944.17, Florida Statutes, to read:

944.17 Commitments and classification; transfers.--

(9) The department shall train appropriate personnel involved in processing inmates committed to its custody in identification of false or fraudulent immigration status documentation and other indicators of illegal presence in the United States. The department shall examine the immigration status of each person committed to its custody and shall notify appropriate federal officials whenever it suspects that such a person is not legally present in the United States.

Section 2. Subsection (11) is added to section 951.23, Florida Statutes, to read:

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2008

29 951.23 County and municipal detention facilities;  
 30 definitions; administration; standards and requirements.--

31 (11) The administrator of each county or municipal  
 32 detention facility shall train appropriate personnel involved in  
 33 processing inmates committed to the custody of that facility in  
 34 identification of false or fraudulent immigration status  
 35 documentation and other indicators of illegal presence in the  
 36 United States. The administrator of each county or municipal  
 37 detention facility shall examine the immigration status of each  
 38 person committed to the custody of that facility and shall  
 39 notify appropriate federal officials whenever it suspects that  
 40 such a person is not legally present in the United States.

41 Section 3. This act shall take effect July 1, 2008.