

OVERVIEW of F.S. 908.1033-908.13.

When evaluating complaints received through the Law Enforcement Accountability Dashboard consider the following provisions of Chapter 908 Federal Immigration Enforcement:

908.1033 Local Law Enforcement Immigration Grant Program.—

(6) Local law enforcement agencies shall assist the State Board of Immigration Enforcement with the collection of any data necessary to determine bonus payment amounts and to distribute the bonus payments and shall otherwise provide the board with any information or assistance needed to fulfill the requirements of this section.

908.104 Cooperation with federal immigration authorities.—

(1) Consistent with all duties created in state and federal law, state and local law enforcement agencies and any official responsible for directing or supervising such agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

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

- (a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.
- (b) Recording and maintaining the information for purposes of this chapter.
- (c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.
- (d) Using the information to comply with an immigration detainer.
- (e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.
- (f) Sending the applicable information obtained pursuant to enforcement of s. 448.095 to a federal immigration agency.

(3) A state entity, local governmental entity, or law enforcement agency, may not prohibit or in any way restrict a law enforcement officer from executing or assisting in the execution of a lawful judicial warrant.

(6) Upon request from a federal immigration agency, a sheriff or chief correctional officer operating a county detention facility must provide the requesting federal immigration agency a list of all inmates booked into a county detention facility and any information regarding each inmate's immigration status.

(7) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if:

(a) The victim or witness is necessary to the investigation or prosecution of a crime, and such crime occurred in the United States; and

(b) The victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperates in the investigation or prosecution of such the offense.

908.105 Duties related to immigration detainers.—

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

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

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

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(d) Notify the state attorney that the person is subject to an immigration detainer.

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

PENALTY

908.107 Enforcement.—

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

908.11 Immigration enforcement assistance agreements; reporting requirement.—

(1) The sheriff or the chief correctional officer operating a county detention facility must enter into a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program established under s.287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. The State Board of Immigration Enforcement must approve the termination of any such agreement. This subsection does not require a sheriff or chief correctional officer operating a county detention facility to participate in a particular program model.