

SECTION 1. TITLE.

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

SECTION 2. DEFINITIONS.

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

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

SECTION 3. PROHIBITION OF SANCTUARY POLICIES.

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

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

SECTION 4. COMPLAINT PROCESS; PENALTIES.

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

SECTION 5. CAUSE OF ACTION TO ENJOIN SANCTUARY POLICY.

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

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

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

SECTION 7. DUTY TO REPORT.

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

SECTION 8. IMPLEMENTATION; SEVERABILITY.

- (a) This Act shall be effective upon enactment and implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

- (b) In complying with the requirements of this Act, a law enforcement officer may not consider an individual’s race, color, or national origin, except to the extent permitted by the United States or Florida constitutions.

- (c) If any part or provision of this Act is in conflict or inconsistent with applicable provisions of federal law, or otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable laws or regulations, and the remainder of this Act shall not be affected thereby.