

The 2025 Florida Statutes

[Title XLVII](#)

CRIMINAL PROCEDURE AND CORRECTIONS

[Chapter 908](#)

FEDERAL IMMIGRATION ENFORCEMENT

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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.

(4)(a) For purposes of this subsection, the term “applicable criminal case” means a criminal case in which:

- 1. The judgment requires the defendant to be confined in a secure correctional facility; and
- 2. The judge:

a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or

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

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant’s sentence by a period of not more than 12 days on the facility’s determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term “secure correctional facility” means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

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

(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 offense.

(8) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (7), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim’s or witness’s cooperation in the entity’s or agency’s investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

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

(10) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering, provided that such crime was committed in the United States. Documentation, including, but not limited to, police reports, testimony, sworn statements, or a victim impact statement, must be relied upon to verify that the person was a necessary witness or victim to the crime.

History.—s. 1, ch. 2019-102; s. 12, ch. 2023-40; s. 19, ch. 2025-1.