

By Senator Villalobos

38-00116A-08

20081364\_\_

1 A bill to be entitled

2 An act relating to immigration; creating s. 877.30, F.S.;

3 prohibiting a person from representing to another who is

4 not a citizen of the United States that he or she can

5 obtain or assist the other person in obtaining citizenship

6 or authorization documentation to live or work in the

7 United States unless the offer to obtain or provide

8 assistance is allowed by federal law; requiring the person

9 offering assistance to verify with the Immigration and

10 Customs Enforcement office of the United States Department

11 of Homeland Security that offering such services is

12 allowed by federal law; providing that in a prosecution

13 for a violation of the act it is not a defense that the

14 person offering to provide such services did not know that

15 such services were not allowed by federal law; providing

16 that a person who violates the act commits a felony of the

17 third degree; providing criminal penalties; amending s.

18 921.0022, F.S.; ranking newly created offense in the

19 offense severity ranking chart; providing an effective

20 date.

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

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24 Section 1. Section 877.30, Florida Statutes, is created to

25 read:

26 877.30 Unlawful immigration consultation.--

27 (1) (a) A person may not represent to another who is not a

28 citizen of the United States that he or she can obtain or assist

29 the other person in obtaining citizenship or authorization

38-00116A-08

20081364\_\_

30 documentation to live or work in the United States unless the  
 31 offer to obtain or provide assistance is allowed by federal law.

32 (b) The person offering to provide such services is under  
 33 an affirmative duty to verify with the Immigration and Customs  
 34 Enforcement office of the United States Department of Homeland  
 35 Security that such services are allowed by federal law.

36 (2) In a prosecution for a violation of this section, it is  
 37 not a defense that the person offering to provide such services  
 38 did not know that such services were not allowed by federal law.

39 (3) A person who violates this section commits a felony of  
 40 the third degree, punishable as provided in s. 775.082, s.  
 41 775.083, or s. 775.084.

42 Section 2. Paragraph (g) of subsection (3) of section  
 43 921.0022, Florida Statutes, is amended to read:

44 921.0022 Criminal Punishment Code; offense severity ranking  
 45 chart.--

46 (3) OFFENSE SEVERITY RANKING CHART

47 (g) LEVEL 7

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Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

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38-00116A-08

20081364\_\_

52	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
53	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
54	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
55	409.920 (2)	3rd	Medicaid provider fraud.
56	456.065 (2)	3rd	Practicing a health care profession without a license.
56	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

38-00116A-08

20081364\_\_

57	458.327 (1)	3rd	Practicing medicine without a license.
58	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
59	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
60	461.012 (1)	3rd	Practicing podiatric medicine without a license.
61	462.17	3rd	Practicing naturopathy without a license.
62	463.015 (1)	3rd	Practicing optometry without a license.
63	464.016 (1)	3rd	Practicing nursing without a license.
64	465.015 (2)	3rd	Practicing pharmacy without a license.
65	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
66	467.201	3rd	Practicing midwifery without a

38-00116A-08

20081364\_\_

			license.
67	468.366	3rd	Delivering respiratory care services without a license.
68	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
69	483.901 (9)	3rd	Practicing medical physics without a license.
70	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
71	484.053	3rd	Dispensing hearing aids without a license.
72	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
73	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by

38-00116A-08

20081364\_\_

			money transmitter.
74	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
75	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
76	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
77	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
78	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
79	782.051 (3)	2nd	Attempted felony murder of a person by a person other than

38-00116A-08

20081364\_\_

			the perpetrator or the perpetrator of an attempted felony.
80	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
81	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
82	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
83	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
84	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
85	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim

38-00116A-08

20081364\_\_

pregnant.

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784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

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784.048 (7) 3rd Aggravated stalking; violation of court order.

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784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

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784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

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784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

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784.081 (1) 1st Aggravated battery on specified official or employee.

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784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

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784.083 (1) 1st Aggravated battery on code inspector.

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38-00116A-08

20081364\_\_

95	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
96	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
97	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
98	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
99	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
100	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial

38-00116A-08

20081364\_\_

			authority to a victim younger than 18 years of age.
101	796.03	2nd	Procuring any person under 16 years for prostitution.
102	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
103	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
104	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
105	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
106	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
107	810.02 (3) (d)	2nd	Burglary of occupied

38-00116A-08

20081364\_\_

			conveyance; unarmed; no assault or battery.
108	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
109	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
110	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
111	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
112	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
113	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
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38-00116A-08

20081364\_\_

115	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
116	812.131 (2) (a)	2nd	Robbery by sudden snatching.
117	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
118	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
119	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
120	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that

38-00116A-08

20081364\_\_

			entity.
121	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
122	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
123	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
124	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
125	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
126	838.015	2nd	Bribery.
127	838.016	2nd	Unlawful compensation or reward for official behavior.
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38-00116A-08

20081364\_\_

129	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
130	838.22	2nd	Bid tampering.
131	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
132	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
133	872.06	2nd	Abuse of a dead human body.
134	<u>877.30</u>	<u>3rd</u>	<u>Unlawful immigration consultation.</u>
135	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

38-00116A-08

20081364\_\_

	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
136	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
137	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
138	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
139	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
140	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

38-00116A-08

20081364\_\_

141	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
142	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
143	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
144	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
145	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
146	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
147	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.



38-00116A-08

20081364\_\_

148	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
149	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
150	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
151	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
152	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
153	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure

38-00116A-08

20081364\_\_

			to respond to address verification.
154	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
155	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
156	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
157	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
158	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
159	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

38-00116A-08

20081364\_\_

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985.4815(13)                      3rd              Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification.

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