

By Senator Storms

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1 A bill to be entitled
 2 An act relating to illegal aliens; creating s. 877.28,
 3 F.S.; prohibiting a person from knowingly or in
 4 reckless disregard of the law transporting or moving
 5 an illegal alien, concealing or harboring an illegal
 6 alien, or encouraging or inducing an illegal alien to
 7 enter or reside in this state; providing criminal
 8 penalties; providing that each violation of law is a
 9 separate offense; creating a rebuttable presumption
 10 when determining whether an alien is an illegal alien;
 11 requiring the Attorney General to negotiate with the
 12 United States Department of Homeland Security to
 13 designate law enforcement officers and others to act
 14 as qualified immigration officers; requiring such
 15 officers to have the knowledge and training to adhere
 16 to federal law relating to the functions of an
 17 immigration officer; requiring the act to be construed
 18 to be consistent with any applicable federal law;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Section 877.28, Florida Statutes, is created to
 24 read:

25 877.28 Illegal aliens; offenses concerning.-

26 (1) A person may not:

27 (a) Transport, move, or attempt to transport any illegal
 28 alien into or within this state knowing or in reckless disregard
 29 of the fact that the illegal alien has come to, entered, or

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30 remains in the United States in violation of law, or act in
31 furtherance of such violation of law;

32 (b) Conceal, harbor, or shield from detection, or attempt
33 to conceal, harbor, or shield from detection, any illegal alien
34 in any place, including any building or means of transportation,
35 knowing or in reckless disregard of the fact that the illegal
36 alien has come to, entered, or remains in the United States in
37 violation of law; or

38 (c) Encourage or induce an illegal alien to enter or reside
39 in this state, knowing or in reckless disregard of the fact that
40 such entry or residence is or will be in violation of law.

41 (2) (a) A person who violates subsection (1) commits a
42 misdemeanor of the first degree, punishable as provided in s.
43 775.082 or s. 775.083.

44 (b) If the violation of subsection (1) was done for the
45 purpose of commercial advantage or private financial gain, the
46 person commits a felony in the third degree, punishable as
47 provided in s. 775.082, s. 775.083, or s. 775.084.

48 (c) If, during the course of a violation of subsection (1),
49 the person causes great bodily harm or places another at risk of
50 great bodily harm, the person commits a felony of the second
51 degree, punishable as provided in s. 775.082, s. 775.083, or s.
52 775.084.

53 (3) A person commits a separate offense for each illegal
54 alien he or she transports, conceals, or encourages to enter or
55 reside in this state in violation of this section.

56 (4) For purposes of this section, verification by a
57 representative of the agency of the Federal Government
58 responsible for the enforcement of immigration laws that an

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59 alien has come to, entered, or remains in the United States in
60 violation of law creates a rebuttable presumption that the alien
61 is an illegal alien as a matter of law.

62 Section 2. Performance of functions of immigration officers
63 by state officers and employees.-

64 (1) The Attorney General shall negotiate the terms of a
65 memorandum of understanding between this state and the United
66 States Department of Homeland Security providing for the
67 designation of officers or employees of the state or a political
68 subdivision of the state as qualified to perform the function of
69 an immigration officer in relation to the investigation,
70 apprehension, or detention of aliens in the United States,
71 including the transportation of such aliens across state lines
72 to detention centers.

73 (2) The agreement under this section shall provide that
74 officers or employees designated as qualified to perform the
75 functions of an immigration officer shall have the knowledge and
76 training to adhere to federal law relating to that function.

77 (3) The terms of the memorandum of understanding to be
78 negotiated shall be in accord with 8 U.S.C. s. 1357(g)
79 regulating the content and operation of such agreements.

80 (4) This section does not require the existence of an
81 agreement under this section in order for an officer or employee
82 of this state or a political subdivision of the state to
83 communicate with the Federal Government regarding the
84 immigration status of any individual, or otherwise to cooperate
85 with the Federal Government in the identification, apprehension,
86 detention, or removal of aliens not lawfully present in the
87 United States.

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88 Section 3. The provisions of this act shall be construed to
89 be consistent with any applicable federal law.

90 Section 4. This act shall take effect July 1, 2009.