

By Senator Storms

10-01945-10

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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, knowingly or with reckless  
4 disregard of the law, from transporting or moving an  
5 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 in a manner consistent with any applicable federal  
19 law; providing an effective date.

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

22  
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) is 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  
68 political subdivision of the state, as qualified to perform the  
69 functions of an immigration officer in relation to the  
70 investigation, apprehension, or detention of aliens in the  
71 United States, including the transportation of such aliens  
72 across state lines 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 this state to  
83 communicate with the Federal Government regarding the  
84 immigration status of any individual, or to otherwise 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. This act shall be construed and interpreted in a  
89 manner that is consistent with any applicable federal law.

90           Section 4. This act shall take effect July 1, 2010.