

1                   A bill to be entitled  
2           An act relating to immigration; providing a short title;  
3           amending s. 24.115, F.S.; requiring the Department of the  
4           Lottery to verify the citizenship or legal presence in the  
5           United States of certain prize winners; creating ss.  
6           125.01075 and 166.0447, F.S.; prohibiting counties and  
7           municipalities from adopting ordinances relating to  
8           persons illegally present in the United States; creating  
9           s. 287.135, F.S.; providing definitions; requiring public  
10          employers to participate in a specified federal program to  
11          verify the work authorization status of newly hired  
12          employees or to verify employee work authorization status  
13          through documentation determined equivalent by the  
14          Department of Management Services; authorizing the  
15          department to adopt rules; amending s. 322.08, F.S.;  
16          requiring driver's license applicants to present proof of  
17          United States citizenship or lawful presence in the United  
18          States; requiring the Department of Law Enforcement to  
19          establish a memorandum of understanding with the federal  
20          Department of Homeland Security regarding illegal aliens  
21          who are confined in county detention facilities; requiring  
22          the Department of Law Enforcement to establish a  
23          memorandum of understanding with the Department of  
24          Corrections concerning temporary shelter and supervision  
25          for individuals identified as illegal aliens; authorizing  
26          the Department of Corrections to use current facilities  
27          for detention facilities for illegal aliens; authorizing  
28          the Department of Corrections to seek federal assistance

29 | to reduce costs of detention of illegal aliens; requiring  
30 | the Secretary of Corrections to establish an advisory  
31 | workgroup to review sites for detention facilities and to  
32 | develop state standards for these sites; providing for  
33 | membership; requiring a report; creating s. 409.954, F.S.;  
34 | requiring verification of the lawful presence in the  
35 | United States of persons over a specified age applying for  
36 | certain public benefits; providing exceptions; requiring  
37 | execution of an affidavit of eligibility; providing for  
38 | verification of the affidavit under a specified federal  
39 | program; providing for penalties for false affidavits;  
40 | providing for variation of requirements; providing for  
41 | adjudication of unique individual circumstances due to  
42 | unusual hardship; prohibiting provision of public benefits  
43 | in violation of specified provisions; providing for  
44 | reports; creating pt. XVII of ch. 468, F.S.; providing  
45 | legislative findings and intent relating to immigration  
46 | assistance services; providing definitions; specifying  
47 | authorized and prohibited services; providing exemptions  
48 | from regulation; requiring written contracts meeting  
49 | specified requirements for the provision of immigration  
50 | assistance services; requiring the posting of specified  
51 | signage by immigration assistance service providers;  
52 | regulating advertising by immigration assistance services;  
53 | providing for applicability of other laws; requiring  
54 | licensure of immigration assistance service providers;  
55 | providing licensure requirements; providing for fees;  
56 | providing for temporary licenses in certain circumstances;

57 providing for license renewal; providing criminal  
58 penalties for unlicensed practice; providing penalties for  
59 violations by licensees; providing for rulemaking;  
60 creating s. 877.28, F.S.; prohibiting specified actions  
61 related to transporting or harboring illegal aliens;  
62 providing criminal penalties; amending s. 903.046, F.S.;  
63 including consideration of whether a defendant is legally  
64 present in the United States as a factor in bail  
65 proceedings; amending s. 905.34, F.S.; providing statewide  
66 grand jury jurisdiction for violations of specified  
67 provisions relating to transporting or harboring illegal  
68 aliens; amending s. 943.03, F.S.; requiring the Department  
69 of Law Enforcement to establish a hotline for the  
70 reporting of immigration law violations and violations of  
71 law by nonresidents; requiring verification of the  
72 citizenship status of certain persons confined for felony  
73 charges; authorizing the Department of Law Enforcement to  
74 adopt rules; creating s. 1000.09, F.S.; providing that a  
75 person may not attend certain public educational programs  
76 or institutions in this state unless he or she is a  
77 citizen of the United States or is lawfully present in the  
78 United States; amending s. 1009.40, F.S.; requiring that a  
79 student seeking certain financial aid present evidence  
80 that he or she is a citizen of the United States or is  
81 lawfully present in the United States; requiring the  
82 executive director of the department to negotiate a  
83 memorandum of understanding between this state and  
84 specified federal agencies concerning enforcement of

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85 | specified federal laws; authorizing training of certain  
86 | law enforcement officers pursuant to the memorandum in  
87 | certain circumstances; authorizing trained officers to  
88 | enforce federal immigration and customs laws as part of  
89 | their duties; requiring the Department of Children and  
90 | Family Services to make a reasonable attempt to verify  
91 | citizenship before processing applications for specified  
92 | public benefits; specifying duties of the department if an  
93 | individual appears to have an illegal status; requiring  
94 | the Department of Health to establish citizenship of  
95 | applicants for specified benefits; specifying duties of  
96 | the department if an individual appears to have an illegal  
97 | status; requiring the Department of Children and Family  
98 | Services and the Department of Health to develop and  
99 | maintain a memorandum of understanding with the Department  
100 | of Law Enforcement for specified assistance; authorizing  
101 | the Commissioner of Agriculture to seek a memorandum of  
102 | understanding with the federal Department of Homeland  
103 | Security for a bulk labor visa program; providing  
104 | requirements for such a program; providing for the  
105 | establishment of a workgroup for specified purposes;  
106 | providing effective dates.

107 |  
108 | Be It Enacted by the Legislature of the State of Florida:

109 |  
110 | Section 1. This act may be cited as the "Florida Illegal  
111 | Immigration Reform Act."

112 Section 2. Paragraph (h) is added to subsection (1) of  
 113 section 24.115, Florida Statutes, to read:

114 24.115 Payment of prizes.—

115 (1) The department shall promulgate rules to establish a  
 116 system of verifying the validity of tickets claimed to win  
 117 prizes and to effect payment of such prizes; however:

118 (h) The department may not pay any prize, excluding prizes  
 119 for which payment by retailers has been authorized under  
 120 paragraph (e), until the department has verified that the winner  
 121 of that prize is a citizen of the United States or legally  
 122 present in the United States.

123 Section 3. Section 125.01075, Florida Statutes, is created  
 124 to read:

125 125.01075 Ordinances relating to illegal aliens.—A county  
 126 may not adopt an ordinance relating to persons illegally present  
 127 in the United States.

128 Section 4. Section 166.0447, Florida Statutes, is created  
 129 to read:

130 166.0447 Ordinances relating to illegal aliens.—A  
 131 municipality may not adopt an ordinance relating to persons  
 132 illegally present in the United States.

133 Section 5. Section 287.135, Florida Statutes, is created  
 134 to read:

135 287.135 Verification of immigration status; public  
 136 employers.—

137 (1) As used in the section, the term:

138 (a) "Basic Pilot Program" means the electronic  
 139 verification of work authorization program of the Illegal

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140 Immigration Reform and Immigrant Responsibility Act of 1996,  
 141 Pub. L. No. 104-208, Division C, Title IV, s. 403(a), as  
 142 amended, operated by the United States Department of Homeland  
 143 Security or any equivalent federal work authorization program  
 144 operated by the United States Department of Homeland Security or  
 145 any other designated federal agency authorized to verify the  
 146 work authorization status of newly hired employees pursuant to  
 147 the Immigration Reform and Control Act of 1986, Pub. L. No. 99-  
 148 603.

149 (b) "Public employer" means any department, agency, or  
 150 instrumentality of the executive, legislative, or judicial  
 151 branch of state government.

152 (2) Every public employer shall register and participate  
 153 in the Basic Pilot Program to verify the work authorization  
 154 status of all new employees or otherwise verify the work  
 155 authorization status of employees through review of employee  
 156 documentation determined by the department to be equivalent.

157 (3) This section shall be enforced without regard to race,  
 158 religion, gender, ethnicity, or national origin.

159 (4) The department may adopt rules pursuant to ss.  
 160 120.536(1) and 120.54 to implement this section.

161 Section 6. Paragraph (c) of subsection (2) of section  
 162 322.08, Florida Statutes, is amended to read:

163 322.08 Application for license.—

164 (2) Each such application shall include the following  
 165 information regarding the applicant:

166 (c) Proof of identity and of United States citizenship or  
 167 lawful presence in the United States satisfactory to the

168 department. Such proof must include one of the following  
 169 documents issued to the applicant:

170 1. A driver's license record or identification card record  
 171 from another jurisdiction that required the applicant to submit  
 172 a document for identification which is substantially similar to  
 173 a document required under subparagraph 2., subparagraph 3.,  
 174 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
 175 7., or subparagraph 8.;

176 2. A certified copy of a United States birth certificate;

177 3. A valid, unexpired United States passport;

178 4. A naturalization certificate issued by the United  
 179 States Department of Homeland Security;

180 5. A valid, unexpired alien registration receipt card  
 181 (green card);

182 6. A Consular Report of Birth Abroad provided by the  
 183 United States Department of State;

184 7. An unexpired employment authorization card issued by  
 185 the United States Department of Homeland Security; or

186 8. Proof of nonimmigrant classification provided by the  
 187 United States Department of Homeland Security, for an original  
 188 driver's license. In order to prove nonimmigrant classification,  
 189 an applicant may produce the following documents, including, but  
 190 not limited to:

191 a. A notice of hearing from an immigration court  
 192 scheduling a hearing on any proceeding.

193 b. A notice from the Board of Immigration Appeals  
 194 acknowledging pendency of an appeal.

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195 c. A notice of the approval of an application for  
196 adjustment of status issued by the United States Bureau of  
197 Citizenship and Immigration Services.

198 d. Any official documentation confirming the filing of a  
199 petition for asylum or refugee status or any other relief issued  
200 by the United States Bureau of Citizenship and Immigration  
201 Services.

202 e. A notice of action transferring any pending matter from  
203 another jurisdiction to this state issued by the United States  
204 Bureau of Citizenship and Immigration Services.

205 f. An order of an immigration judge or immigration officer  
206 granting any relief that authorizes the alien to live and work  
207 in the United States, including, but not limited to, asylum.

208 g. Evidence that an application is pending for adjustment  
209 of status to that of an alien lawfully admitted for permanent  
210 residence in the United States or conditional permanent resident  
211 status in the United States, if a visa number is available  
212 having a current priority date for processing by the United  
213 States Bureau of Citizenship and Immigration Services.

214 h. On or after January 1, 2010, an unexpired foreign  
215 passport with an unexpired United States Visa affixed,  
216 accompanied by an approved I-94, documenting the most recent  
217 admittance into the United States.

218  
219 Presentation of any of the documents in subparagraph 7. or  
220 subparagraph 8. entitles the applicant to a driver's license or  
221 temporary permit for a period not to exceed the expiration date  
222 of the document presented or 1 year, whichever occurs first.



223           Section 7. The Department of Law Enforcement shall  
 224 establish a memorandum of understanding with the federal  
 225 Department of Homeland Security regarding illegal aliens  
 226 confined in county detention facilities. The memorandum of  
 227 understanding must provide for reimbursement by the federal  
 228 Department of Homeland Security for the cost of care and custody  
 229 of such illegal aliens in county facilities and must provide  
 230 requirements pertaining to deportation.

231           Section 8. (1) The Department of Law Enforcement shall  
 232 establish a memorandum of understanding with the Department of  
 233 Corrections to provide temporary shelter and supervision for  
 234 individuals detained as undocumented individuals or as illegal  
 235 aliens. The memorandum of understanding shall include  
 236 requirements for sheltering and supervision in a minimum-  
 237 security arrangement and a method for collecting costs  
 238 associated with these detention facilities.

239           (2) The Department of Corrections, through its memorandum  
 240 of understanding with the Department of Law Enforcement, shall  
 241 seek federal assistance to provide temporary housing resources,  
 242 including portables and food assistance through the United  
 243 States Department of Agriculture grant programs, to help reduce  
 244 costs associated with detention of undocumented individuals or  
 245 individuals identified as illegal aliens.

246           (3) The Department of Corrections may use state-owned  
 247 property located on or near current correctional facilities to  
 248 house and supervise those individuals detained who are  
 249 undocumented or identified as illegal aliens.

250           Section 9. The Secretary of Corrections shall appoint an  
 251 advisory workgroup to review sites for detention facilities for  
 252 individuals detained who are undocumented or identified as  
 253 illegal aliens and to develop state standards for these sites.  
 254 The workgroup shall seek to use the current facilities and  
 255 resources available to Department of Corrections for detention  
 256 facilities for individuals detained who are undocumented or  
 257 identified as illegal aliens to the extent possible to minimize  
 258 the fiscal impact on state correctional budgets. The membership  
 259 of the workgroup must include representatives from the Police  
 260 Benevolent Association and the Fraternal Order of Police. The  
 261 workgroup may also include legislative staff appointed by the  
 262 presiding officers of their respective chambers. Members of the  
 263 workgroup shall serve without compensation for such service. The  
 264 workgroup shall submit a report with findings and  
 265 recommendations to the President of the Senate, the Speaker of  
 266 the House of Representatives, and the secretary by December 31,  
 267 2010.

268           Section 10. Section 409.954, Florida Statutes, is created  
 269 to read:

270           409.954 Verification of immigration status for public  
 271 benefits.—

272           (1) Except as provided in subsection (3) or where exempted  
 273 by federal law, each agency of the executive, legislative, or  
 274 judicial branch of state government shall verify the lawful  
 275 presence in the United States of any natural person 18 years of  
 276 age or older who has applied for state public benefits as  
 277 defined in 8 U.S.C. s. 1621 or for federal public benefits as

278 defined in 8 U.S.C. s. 1611 that are administered by that  
 279 agency.

280 (2) This section shall be enforced without regard to race,  
 281 religion, gender, ethnicity, or national origin.

282 (3) Verification of lawful presence in the United States  
 283 under this section is not required for:

284 (a) Any purpose for which lawful presence in the United  
 285 States is not restricted by law, ordinance, or regulation;

286 (b) Assistance for health care items and services that are  
 287 necessary for the treatment of an emergency medical condition,  
 288 as defined in 42 U.S.C. s. 1396b(v)(3), of the alien involved  
 289 and are not related to an organ transplant procedure;

290 (c) Short-term, noncash, in-kind emergency disaster  
 291 relief;

292 (d) Public health assistance for immunizations with  
 293 respect to diseases and for testing and treatment of symptoms of  
 294 communicable diseases, regardless of whether such symptoms are  
 295 caused by a communicable disease; or

296 (e) Programs, services, or assistance such as soup  
 297 kitchens, crisis counseling and intervention, and short-term  
 298 shelter specified by the United States Attorney General, in the  
 299 sole and unreviewable discretion of the United States Attorney  
 300 General after consultation with appropriate federal agencies and  
 301 departments, which:

302 1. Deliver in-kind services at the community level,  
 303 including through public or private nonprofit agencies;

304 2. Do not condition the provision of assistance, the  
 305 amount of assistance provided, or the cost of assistance

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306 provided on the income or resources of the individual recipient;  
307 and

308 3. Are necessary for the protection of life or safety.

309 (4) Verification of lawful presence in the United States  
310 by an agency required to make such verification shall require  
311 that the applicant execute an affidavit under penalty of perjury  
312 that the applicant is:

313 (a) A United States citizen; or

314 (b) A qualified alien under the Immigration and  
315 Nationality Act, 8 U.S.C. ss. 1101 et seq., and is lawfully  
316 present in the United States.

317 (5) For any applicant who has executed the affidavit  
318 described in paragraph (4)(b), eligibility for benefits shall be  
319 made through the Systematic Alien Verification of Entitlement  
320 program operated by the United States Department of Homeland  
321 Security or a successor program designated by that department.  
322 Until such eligibility verification is made, the affidavit may  
323 be presumed to be proof of lawful presence for the purposes of  
324 this section.

325 (6) Any person who knowingly and willfully makes a false,  
326 fictitious, or fraudulent statement or representation in an  
327 affidavit executed pursuant to subsection (4) and any person who  
328 aids or abets a person in knowingly and willfully making such a  
329 statement or representation in an affidavit shall be subject to  
330 criminal penalties applicable in this state for fraudulently  
331 obtaining public assistance program benefits and must disgorge  
332 any benefit received and make restitution to the agency that  
333 administered the benefit or entitlement. If the affidavit

334 constitutes a false claim of United States citizenship under 18  
 335 U.S.C. s. 911, a complaint shall be filed by the agency  
 336 requiring the affidavit with the appropriate United States  
 337 Attorney.

338 (7) An agency may adopt variations to the requirements of  
 339 this section that demonstrably improve the efficiency of or  
 340 reduce delay in the verification process, or to provide for  
 341 adjudication of unique individual circumstances where the  
 342 verification procedures in this section would impose unusual  
 343 hardship on a legal resident of this state. However, no  
 344 variation adopted under this subsection may have the effect of  
 345 eliminating the requirement for verification as provided in  
 346 subsection (1).

347 (8) An agency may not provide any state or federal  
 348 benefit, as defined in 8 U.S.C. s. 1611 or s. 1621, in violation  
 349 of this section.

350 (9) Each agency of the executive, legislative, or judicial  
 351 branch of state government that administers a program of state  
 352 public benefits shall provide an annual report to the Secretary  
 353 of Children and Family Services with respect to its compliance  
 354 with this section. Any and all incidents of noncompliance shall  
 355 be reported to the United States Department of Homeland Security  
 356 by the Secretary of Children and Family Services.

357 Section 11. Effective January 1, 2011, part XVII of  
 358 chapter 468, Florida Statutes, consisting of sections 468.85,  
 359 468.851, 468.852, and 468.853, Florida Statutes, is created to  
 360 read:

361 PART XVII

IMMIGRATION ASSISTANCE SERVICES

468.85 Immigration assistance services.—

(1) FINDINGS AND INTENT.—The Legislature finds and declares that private individuals who assist persons with immigration matters have a significant impact on the ability of their clients to reside and work within the United States and to establish and maintain stable families and business relationships. The Legislature further finds that that assistance and its impact also have a significant effect on the cultural, social, and economic life of this state and thereby substantially affect the public interest. It is the intent of the Legislature to establish rules of practice and conduct for those individuals to promote honesty and fair dealing with residents and to preserve public confidence.

(2) DEFINITIONS.—As used in this part, the term:

(a) "Department" means the Department of Business and Professional Regulation.

(b) "Immigration assistance services" means any information or action provided or offered to customers or prospective customers related to immigration matters. The term excludes legal advice, recommendation of a specific course of legal action, or provision of any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(c) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person that arises under immigration and naturalization law, executive order, or presidential

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390 proclamation of the United States or any foreign country or that  
391 arises under action of the United States Citizenship and  
392 Immigration Services, the United States Department of Labor, or  
393 the United States Department of State.

394 (3) AUTHORIZED SERVICES.—A person who provides or offers  
395 to provide immigration assistance services may perform only the  
396 following services:

397 (a) Completing a government agency form requested by the  
398 customer and appropriate to the customer's needs, provided that  
399 the completion of that form does not involve a legal judgment  
400 for that particular matter.

401 (b) Transcribing responses to a government agency form  
402 that is related to an immigration matter; however, the person  
403 mat not advise a customer as to the substance of his or her  
404 answers on such a form.

405 (c) Translating information on forms to a customer and  
406 translating the customer's answers to questions posed on those  
407 forms.

408 (d) Securing for the customer supporting documents  
409 currently in existence, such as birth and marriage certificates,  
410 that may be required to be submitted with government agency  
411 forms.

412 (e) Translating documents from a foreign language into  
413 English.

414 (f) Notarizing signatures on government agency forms,  
415 provided that the person performing the service is a notary  
416 public commissioned in this state and is lawfully present in the  
417 United States.

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418 (g) Making a referral, without compensation from the  
419 attorney, to an attorney who could undertake legal  
420 representation for a person in an immigration matter.

421 (h) Preparing or arranging for the preparation of  
422 photographs and fingerprints or other biometric identification.

423 (i) Arranging for the performance of medical testing,  
424 including X-rays and AIDS tests, and the obtaining of reports of  
425 such test results.

426 (j) Conducting English language and civics courses  
427 necessary for the immigration process.

428 (4) PROHIBITED SERVICES.—A person who provides or offers  
429 to provide immigration assistance services may not:

430 (a) Give any legal advice concerning an immigration matter  
431 or perform an act constituting the practice of immigration law  
432 as defined in 8 C.F.R. s. 1.1(i), (j), (k), or (m).

433 (b) Represent, hold out, or advertise, in connection with  
434 the provision of assistance in immigration matters in any  
435 language that he or she possesses any title or credential,  
436 including, but not limited to, "notary public" or "immigration  
437 consultant," that could cause a customer to believe that the  
438 person possesses special professional skills or is authorized to  
439 provide advice on an immigration matter.

440 (c) Make any misrepresentation or false statement,  
441 directly or indirectly, to influence, persuade, or induce  
442 patronage.

443 (d) Retain any compensation for service not performed.



444 (e) Refuse to return documents supplied by, prepared on  
445 behalf of, or paid for by the customer upon the request of the  
446 customer even if subject to a fee dispute.

447 (5) EXEMPTIONS.—This part does not apply to:

448 (a) An attorney licensed to practice law in any state or  
449 territory of the United States, or in any foreign country when  
450 authorized to practice in this state by the Florida Supreme  
451 Court, to the extent the attorney provides immigration  
452 assistance services in the course of practicing as an attorney.

453 (b) A nonlawyer assistant employed by and under the direct  
454 supervision of a licensed attorney described in paragraph (a)  
455 and providing immigration assistance services in the course of  
456 the assistant's employment.

457 (c) A not-for-profit organization recognized by the Board  
458 of Immigration Appeals under 8 C.F.R. s. 292.2(a), employees of  
459 those organizations accredited under 8 C.F.R. s. 292.2(d), and  
460 designated entities as defined in 8 C.F.R. s. 245a.1.

461 (d) An organization employing or desiring to employ an  
462 alien or nonimmigrant alien, which organization, its employees,  
463 or its agents provide advice or assistance in immigration  
464 matters to alien or nonimmigrant alien employees or potential  
465 employees without compensation from the individuals to whom the  
466 advice or assistance is provided.

467 (6) CONTRACT.—

468 (a) Except as otherwise provided in this subsection,  
469 before providing any assistance in an immigration matter, a  
470 person shall provide the customer with a written contract that  
471 includes the following:

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472 1. An explanation of the services to be performed.

473 2. Identification of all compensation and costs to be  
474 charged to the customer for the services to be performed.

475 3. A statement that documents submitted in support of an  
476 application for nonimmigrant, immigrant, or naturalization  
477 status may not be retained by the person for any purpose,  
478 including payment of compensation or costs.

479 (b) The written contract shall be in both English and in  
480 the language of the customer.

481 (c) This subsection does not apply to a not-for-profit  
482 organization that provides advice or assistance in immigration  
483 matters to clients without charge beyond a reasonable fee to  
484 reimburse the organization's reasonable costs relating to  
485 providing immigration assistance services to that client.

486 (7) SIGNAGE.—Any person who provides or offers to provide  
487 immigration assistance services and is not exempted from this  
488 part shall post signs at his or her place of business setting  
489 forth information in English and in every other language in  
490 which the person provides or offers to provide immigration  
491 assistance services. Each language shall be on a separate sign.  
492 Signs shall be posted in a location where the signs will be  
493 visible to customers, and no text on the sign shall be in a font  
494 size less than one-half of the size of the largest font used  
495 elsewhere on the sign. Each sign shall be at least 11 inches by  
496 17 inches and shall contain the following:

497 (a) In a font size no less than three-quarters of the  
498 largest font size used elsewhere on the sign, the statement: "I

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499 AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE  
500 LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

501 (b) In a font size no less than three-quarters of the  
502 largest font size used elsewhere on the sign, the statement: "I  
503 AM NOT ACCREDITED TO REPRESENT YOU BEFORE UNITED STATES  
504 CITIZENSHIP AND IMMIGRATION SERVICES AND THE BOARD OF  
505 IMMIGRATION APPEALS."

506 (c) The fee schedule.

507 (d) The statement: "You may cancel any contract within 3  
508 working days and get your money back for services not  
509 performed."

510 (e) A statement that a copy of the contract shall be  
511 provided to the customer upon the customer's execution of the  
512 contract.

513 (f) A statement that any documents of the type identified  
514 in subparagraph (6) (a)3. shall be returned upon demand of the  
515 customer.

516 (g) A statement that the customer has the right to rescind  
517 a contract within 72 hours after his or her signing of the  
518 contract.

519 (h) Any additional information the department may require  
520 by rule.

521 (8) ADVERTISING.—

522 (a) Every person providing immigration assistance services  
523 who is not an attorney and who advertises immigration assistance  
524 services in a language other than English:

525 1. In any written form or medium containing writing, with  
526 the exception of a single desk plaque, shall include in the

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527 advertisement the following notice in English and any other  
528 language in which writing appears: "I AM NOT AN ATTORNEY  
529 LICENSED TO PRACTICE LAW IN FLORIDA AND MAY NOT GIVE LEGAL  
530 ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." This notice shall be of  
531 a conspicuous size.

532 2. Through radio, television, or any other audio or video  
533 medium, shall include substantially the same message as provided  
534 in subparagraph 1. in English and in any other language used in  
535 the advertisement.

536 (b) Any person who provides or offers to provide  
537 immigration assistance services and is not exempted from this  
538 part may not, in any document, advertisement, stationery,  
539 letterhead, business card, or other comparable written material,  
540 literally translate from English into another language terms or  
541 titles including, but not limited to, notary public, notary,  
542 licensed, attorney, lawyer, or any other term that implies the  
543 person is an attorney.

544 (9) OTHER LAWS.—This part does not regulate any business  
545 to the extent that such regulation is prohibited or preempted by  
546 state or federal law.

547 468.851 Licensure.—

548 (1) Any person who provides immigration assistance  
549 services in this state must be licensed pursuant to this part.

550 (2) The department shall issue a license to provide  
551 immigration services to any person who meets the following  
552 requirements:

553 (a) Is at least 18 years of age.

554 (b) Is of good moral character.

555        (c) Has completed the application form and remitted an  
556 application fee and all other applicable fees provided for in  
557 this part or chapter 455. The department, by rule, shall  
558 establish biennial fees for initial licensure, renewal of  
559 licensure, and reinstatement of licensure, none of which fees  
560 may exceed \$400. The department shall also charge each applicant  
561 the actual cost for fingerprint analysis in addition to the  
562 application fee. The department may, by rule, establish a  
563 delinquency fee of no more than \$50. The fees shall be adequate  
564 to proportionately fund the expenses of the department that are  
565 allocated to the regulation of providers of immigration  
566 assistance services under this part and shall be based on the  
567 department's estimate of the revenue required to administer this  
568 part.

569        (d) Has submitted to the department a fingerprint card for  
570 a criminal history records check. The fingerprint card shall be  
571 forwarded to the Division of Criminal Justice Information  
572 Systems within the Department of Law Enforcement for purposes of  
573 processing the fingerprint card to determine whether the  
574 applicant has a criminal history record. The fingerprint card  
575 shall also be forwarded to the Federal Bureau of Investigation  
576 for purposes of processing the fingerprint card to determine  
577 whether the applicant has a criminal history record. The  
578 information obtained by the processing of the fingerprint card  
579 by the Department of Law Enforcement and the Federal Bureau of  
580 Investigation shall be sent to the department for the purpose of  
581 determining whether the applicant is statutorily qualified for  
582 licensure.

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583       (e) Has not in any jurisdiction, within the preceding 5  
584 years, been convicted or found guilty of or entered a plea of  
585 nolo contendere for, regardless of adjudication, a crime that  
586 relates to the applicant's provision of or offer to provide  
587 immigration assistance services.

588       (3) A license issued under this section is not  
589 transferable.

590       (4) The department may issue a temporary license while an  
591 application for licensure is pending. If the department issues a  
592 notice of intent to deny the license application, the initial  
593 temporary license expires and may not be extended during any  
594 proceeding or administrative or judicial review.

595       (5) The department shall renew a license pursuant to  
596 procedures provided for in s. 455.203.

597       468.852 Violations.—

598       (1) A person, unless exempt under s. 468.85, may not  
599 provide immigration assistance services unless the person holds  
600 an active license pursuant to this part. A person who violates  
601 this subsection commits a misdemeanor of the first degree,  
602 punishable as provided in s. 775.082 or s. 775.083.

603       (2) When the department finds a licensee guilty of any  
604 violation of s. 468.85, the department may enter an order  
605 imposing one or more of the penalties provided in s. 455.227 and  
606 an administrative fine not to exceed \$25,000 for each separate  
607 offense.

608       468.853 Rulemaking authority.—The department may adopt  
609 rules pursuant to ss. 120.536(1) and 120.54 necessary to  
610 administer and enforce this part.

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611 Section 12. Section 877.28, Florida Statutes, is created  
 612 to read:

613 877.28 Offenses concerning illegal aliens.—

614 (1) It is unlawful for any person to:

615 (a) Transport, move, or attempt to transport or move  
 616 within the United States any alien while knowing or in reckless  
 617 disregard of the fact that the alien has come to, entered, or  
 618 remained in the United States in violation of law in furtherance  
 619 of the illegal presence of the alien in the United States.

620 (b) Conceal, harbor, or shelter from detection any alien  
 621 in any place, including any building or means of transportation,  
 622 while knowing or in reckless disregard of the fact that the  
 623 alien has come to, entered, or remained in the United States in  
 624 violation of law in furtherance of the illegal presence of the  
 625 alien in the United States.

626 (2) Any person who violates this section commits a  
 627 misdemeanor of the first degree, punishable as provided in s.  
 628 775.082 or s. 775.083.

629 Section 13. Paragraphs (k) and (l) of subsection (2) of  
 630 section 903.046, Florida Statutes, are redesignated as  
 631 paragraphs (l) and (m), respectively, and a new paragraph (k) is  
 632 added to that subsection to read:

633 903.046 Purpose of and criteria for bail determination.—

634 (2) When determining whether to release a defendant on  
 635 bail or other conditions, and what that bail or those conditions  
 636 may be, the court shall consider:

637 (k) Whether the defendant is an alien who has come to,  
 638 entered, or remained in the United States in violation of law.

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639 Section 14. Subsections (11) and (12) of section 905.34,  
 640 Florida Statutes, are amended, and subsection (13) is added to  
 641 that section, to read:

642 905.34 Powers and duties; law applicable.—The jurisdiction  
 643 of a statewide grand jury impaneled under this chapter shall  
 644 extend throughout the state. The subject matter jurisdiction of  
 645 the statewide grand jury shall be limited to the offenses of:

646 (11) Any criminal violation of the Florida Money  
 647 Laundering Act; ~~or~~

648 (12) Any criminal violation of the Florida Securities and  
 649 Investor Protection Act; or

650 (13) Any criminal violation of s. 877.28;

651  
 652 or any attempt, solicitation, or conspiracy to commit any  
 653 violation of the crimes specifically enumerated above, when any  
 654 such offense is occurring, or has occurred, in two or more  
 655 judicial circuits as part of a related transaction or when any  
 656 such offense is connected with an organized criminal conspiracy  
 657 affecting two or more judicial circuits. The statewide grand  
 658 jury may return indictments and presentments irrespective of the  
 659 county or judicial circuit where the offense is committed or  
 660 triable. If an indictment is returned, it shall be certified and  
 661 transferred for trial to the county where the offense was  
 662 committed. The powers and duties of, and law applicable to,  
 663 county grand juries shall apply to a statewide grand jury except  
 664 when such powers, duties, and law are inconsistent with the  
 665 provisions of ss. 905.31-905.40.



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666 Section 15. Subsection (15) is added to section 943.03,  
667 Florida Statutes, to read:

668 943.03 Department of Law Enforcement.—

669 (15) The department shall establish a hotline for  
670 reporting any allegations of immigration law violations and  
671 violations of law by nonresidents.

672 Section 16. (1) When a person charged with a felony  
673 violation is confined for any period in a jail or detention  
674 facility, a reasonable effort shall be made to determine the  
675 citizenship status of that person.

676 (2) If the prisoner is a foreign national, the entity  
677 holding the person shall make a reasonable effort to verify that  
678 the prisoner has been lawfully admitted to the United States  
679 and, if lawfully admitted, that such lawful status has not  
680 expired. If verification of lawful status cannot be made from  
681 documents in the possession of the prisoner, verification shall  
682 be made within 48 hours after the beginning of the confinement  
683 in subsection (1) through a query to the United States  
684 Department of Homeland Security. If the prisoner is determined  
685 not to be lawfully admitted to the United States, the entity  
686 holding the person shall notify the United States Department of  
687 Homeland Security.

688 (3) For the purpose of determining the grant or issuance  
689 of bond, a person who pursuant to subsection (2) has been  
690 determined to be a foreign national who has not been lawfully  
691 admitted to the United States shall be deemed to be a risk of  
692 flight.

693 (4) The Department of Law Enforcement may adopt rules

694 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
 695 implement this section.

696 Section 17. Effective July 1, 2010, section 1000.09,  
 697 Florida Statutes, is created to read:

698 1000.09 Citizenship or legal residency requirement.—A  
 699 person may not attend a public prekindergarten or public K-20  
 700 school, charter school, or educational institution in this state  
 701 unless he or she is a citizen of the United States or is  
 702 lawfully present in the United States.

703 Section 18. Effective July 1, 2010, paragraph (a) of  
 704 subsection (1) of section 1009.40, Florida Statutes, is amended  
 705 to read:

706 1009.40 General requirements for student eligibility for  
 707 state financial aid awards and tuition assistance grants.—

708 (1) (a) The general requirements for eligibility of  
 709 students for state financial aid awards and tuition assistance  
 710 grants consist of the following:

711 1. Achievement of the academic requirements of and  
 712 acceptance at a state university or community college; a nursing  
 713 diploma school approved by the Florida Board of Nursing; a  
 714 Florida college, university, or community college which is  
 715 accredited by an accrediting agency recognized by the State  
 716 Board of Education; any Florida institution the credits of which  
 717 are acceptable for transfer to state universities; any career  
 718 center; or any private career institution accredited by an  
 719 accrediting agency recognized by the State Board of Education.

720 2. Residency in this state for no less than 1 year  
 721 preceding the award of aid or a tuition assistance grant for a

722 program established pursuant to s. 1009.50, s. 1009.505, s.  
723 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.  
724 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
725 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.  
726 Residency in this state must be for purposes other than to  
727 obtain an education. Resident status for purposes of receiving  
728 state financial aid awards shall be determined in the same  
729 manner as resident status for tuition purposes pursuant to s.  
730 1009.21.

731 3. Submission of certification attesting to the accuracy,  
732 completeness, and correctness of information provided to  
733 demonstrate a student's eligibility to receive state financial  
734 aid awards or tuition assistance grants. Falsification of such  
735 information shall result in the denial of any pending  
736 application and revocation of any award or grant currently held  
737 to the extent that no further payments shall be made.  
738 Additionally, students who knowingly make false statements in  
739 order to receive state financial aid awards or tuition  
740 assistance grants commit a misdemeanor of the second degree  
741 subject to the provisions of s. 837.06 and shall be required to  
742 return all state financial aid awards or tuition assistance  
743 grants wrongfully obtained.

744 4. Submission of evidence that the student is a citizen of  
745 the United States or is lawfully present in the United States.

746 Section 19. (1) The executive director of the Department  
747 of Law Enforcement shall negotiate the terms of a memorandum of  
748 understanding between this state and the United States  
749 Department of Justice or the United States Department of

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750 Homeland Security concerning the enforcement of federal  
751 immigration and customs laws, detentions and removals, and  
752 investigations in this state. The memorandum of understanding  
753 shall be signed on behalf of this state by the executive  
754 director of the Department of Law Enforcement and the Governor  
755 or as otherwise required by the appropriate federal agency.

756 (2) The executive director of the Department of Law  
757 Enforcement may designate appropriate law enforcement officers  
758 to be trained pursuant to the memorandum of understanding;  
759 however, no training shall take place until funding is secured.  
760 The Secretary of Corrections, a county sheriff, or the governing  
761 body of a municipality that maintains a police force may enter  
762 into the memorandum as a party and provide officers to be  
763 trained. Any such officer certified as trained in accordance  
764 with the memorandum may enforce federal immigration and customs  
765 laws while performing within the scope of his or her duties.

766 Section 20. (1) The Department of Children and Family  
767 Services shall make a reasonable attempt to verify an  
768 applicant's citizenship before processing an application for  
769 state food stamp benefits, determining eligibility for Medicaid  
770 services, or processing any other application for financial  
771 assistance. During a periodic review of eligibility for  
772 benefits, the Department of Children and Family Services shall  
773 make every effort to confirm citizenship and report any changes  
774 to the Department of Law Enforcement's statewide hotline  
775 operated under s. 943.03(15), Florida Statutes, as created by  
776 this act.

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777        (2) Upon detection of an individual who appears to have an  
778 illegal status, the Department of Children and Family Services  
779 shall report the individual to the Department of Law  
780 Enforcement's statewide hotline operated under s. 943.03(15),  
781 Florida Statutes, as created by this act, to ensure proper  
782 reporting of such individuals. If children are involved, the  
783 Department of Children and Family Services shall also contact  
784 the child abuse hotline to ensure the safety and protection of  
785 such children.

786        Section 21. The Department of Health, for the purpose of  
787 determining eligibility for department services or funding  
788 related to Social Security or health benefits, shall establish  
789 policies and procedures to ensure that the citizenship of an  
790 applicant is established. The Department of Health shall report  
791 any individual suspected of being an illegal alien or not  
792 meeting citizenship requirements to the Department of Law  
793 Enforcement's statewide hotline operated under s. 943.03(15),  
794 Florida Statutes, as created by this act.

795        Section 22. The Department of Children and Family Services  
796 and the Department of Health shall develop and maintain a  
797 memorandum of understanding with the Department of Law  
798 Enforcement for its assistance in identifying and reducing the  
799 provision of state-funded services to individuals residing  
800 illegally in the United States.

801        Section 23. (1) The Commissioner of Agriculture may seek  
802 a memorandum of understanding with the federal Department of  
803 Homeland Security to establish requirements and standards for a  
804 bulk labor visa program for agriculture in this state. Such

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805 requirements and standards shall include, but are not limited  
806 to:

807 (a) Provision for written agreements between farming  
808 communities and the Department of Agriculture and Consumer  
809 Services to allow a certified farmer to apply for a bulk labor  
810 visa in order to import guest workers for the specific purpose  
811 of harvesting and processing crops and performing any other  
812 duties identified by the Commissioner of Agriculture as critical  
813 to the success of agriculture in this state.

814 (b) Specification of responsibilities of a holder of a  
815 bulk labor visa, including housing imported guest workers,  
816 supervising their whereabouts while in the United States,  
817 ensuring that their health and safety are adequately addressed,  
818 and assisting them in returning to their home countries when  
819 they desire to do so or upon expiration of the bulk labor visa.

820 (2) The Commissioner of Agriculture shall establish an  
821 advisory workgroup to help establish standards and ensure the  
822 proper oversight and management of guest workers temporarily in  
823 the state under the bulk visa program.

824 Section 24. Except as otherwise expressly provided in this  
825 act, this act shall take effect October 1, 2010.