

By Senator Baker

20-00788B-10

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

20-00788B-10

2010856

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

20-00788B-10

2010856

59 other laws; requiring licensure of immigration  
60 assistance service providers; providing licensure  
61 requirements; providing for fees; providing for  
62 temporary licenses in certain circumstances; providing  
63 for license renewal; providing criminal penalties for  
64 unlicensed practice; providing penalties for  
65 violations by licensees; providing for rulemaking;  
66 creating s. 877.28, F.S.; prohibiting specified  
67 actions related to transporting or harboring illegal  
68 aliens; providing criminal penalties; amending s.  
69 903.046, F.S.; including consideration of whether a  
70 defendant is legally present in the United States as a  
71 factor in bail proceedings; amending s. 905.34, F.S.;  
72 providing statewide grand jury jurisdiction for  
73 violations of specified provisions relating to  
74 transporting or harboring illegal aliens; amending s.  
75 943.03, F.S.; requiring the Department of Law  
76 Enforcement to establish a hotline for the reporting  
77 of immigration law violations and violations of law by  
78 nonresidents; requiring verification of the  
79 citizenship status of certain persons confined for  
80 felony charges; authorizing the Department of Law  
81 Enforcement to adopt rules; creating s. 1000.09, F.S.;  
82 providing that a person may not attend certain public  
83 educational programs or institutions in this state  
84 unless he or she is a citizen of the United States or  
85 is lawfully present in the United States; amending s.  
86 1009.40, F.S.; requiring that a student seeking  
87 certain financial aid present evidence that he or she

20-00788B-10

2010856

88 is a citizen of the United States or is lawfully  
89 present in the United States; requiring the executive  
90 director of the department to negotiate a memorandum  
91 of understanding between this state and specified  
92 federal agencies concerning enforcement of specified  
93 federal laws; authorizing training of certain law  
94 enforcement officers pursuant to the memorandum in  
95 certain circumstances; authorizing trained officers to  
96 enforce federal immigration and customs laws as part  
97 of their duties; requiring the Department of Children  
98 and Family Services to make a reasonable attempt to  
99 verify citizenship before processing applications for  
100 specified public benefits; specifying duties of the  
101 department if an individual appears to have an illegal  
102 status; requiring the Department of Health to  
103 establish citizenship of applicants for specified  
104 benefits; specifying duties of the department if an  
105 individual appears to have an illegal status;  
106 requiring the Department of Children and Family  
107 Services and the Department of Health to develop and  
108 maintain a memorandum of understanding with the  
109 Department of Law Enforcement for specified  
110 assistance; authorizing the Commissioner of  
111 Agriculture to seek a memorandum of understanding with  
112 the federal Department of Homeland Security for a bulk  
113 labor visa program; providing requirements for such a  
114 program; providing for the establishment of a  
115 workgroup for specified purposes; providing effective  
116 dates.

20-00788B-10

2010856

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

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

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

24.115 Payment of prizes.—

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

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

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

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

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

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

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

287.135 Verification of immigration status; public

20-00788B-10

2010856

146 employers.-

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

148 (a) "Basic Pilot Program" means the electronic verification  
149 of work authorization program of the Illegal Immigration Reform  
150 and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208,  
151 Division C, Title IV, s. 403(a), as amended, operated by the  
152 United States Department of Homeland Security or any equivalent  
153 federal work authorization program operated by the United States  
154 Department of Homeland Security or any other designated federal  
155 agency authorized to verify the work authorization status of  
156 newly hired employees pursuant to the Immigration Reform and  
157 Control Act of 1986, Pub. L. No. 99-603.

158 (b) "Public employer" means any department, agency, or  
159 instrumentality of the executive, legislative, or judicial  
160 branch of state government.

161 (2) Every public employer shall register and participate in  
162 the Basic Pilot Program to verify the work authorization status  
163 of all new employees or otherwise verify the work authorization  
164 status of employees through review of employee documentation  
165 determined by the department to be equivalent.

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

168 (4) The department may adopt rules pursuant to ss.  
169 120.536(1) and 120.54 to implement this section.

170 Section 6. Paragraph (c) of subsection (2) of section  
171 322.08, Florida Statutes, is amended to read:

172 322.08 Application for license.-

173 (2) Each such application shall include the following  
174 information regarding the applicant:

20-00788B-10

2010856

175 (c) Proof of identity and of United States citizenship or  
176 lawful presence in the United States satisfactory to the  
177 department. Such proof must include one of the following  
178 documents issued to the applicant:

179 1. A driver's license record or identification card record  
180 from another jurisdiction that required the applicant to submit  
181 a document for identification which is substantially similar to  
182 a document required under subparagraph 2., subparagraph 3.,  
183 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
184 7., or subparagraph 8.;

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

186 3. A valid, unexpired United States passport;

187 4. A naturalization certificate issued by the United States  
188 Department of Homeland Security;

189 5. A valid, unexpired alien registration receipt card  
190 (green card);

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

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

195 8. Proof of nonimmigrant classification provided by the  
196 United States Department of Homeland Security, for an original  
197 driver's license. In order to prove nonimmigrant classification,  
198 an applicant may produce the following documents, including, but  
199 not limited to:

200 a. A notice of hearing from an immigration court scheduling  
201 a hearing on any proceeding.

202 b. A notice from the Board of Immigration Appeals  
203 acknowledging pendency of an appeal.

20-00788B-10

2010856\_\_

204 c. A notice of the approval of an application for  
205 adjustment of status issued by the United States Bureau of  
206 Citizenship and Immigration Services.

207 d. Any official documentation confirming the filing of a  
208 petition for asylum or refugee status or any other relief issued  
209 by the United States Bureau of Citizenship and Immigration  
210 Services.

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

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

217 g. Evidence that an application is pending for adjustment  
218 of status to that of an alien lawfully admitted for permanent  
219 residence in the United States or conditional permanent resident  
220 status in the United States, if a visa number is available  
221 having a current priority date for processing by the United  
222 States Bureau of Citizenship and Immigration Services.

223 h. On or after January 1, 2010, an unexpired foreign  
224 passport with an unexpired United States Visa affixed,  
225 accompanied by an approved I-94, documenting the most recent  
226 admittance into the United States.

227  
228 Presentation of any of the documents in subparagraph 7. or  
229 subparagraph 8. entitles the applicant to a driver's license or  
230 temporary permit for a period not to exceed the expiration date  
231 of the document presented or 1 year, whichever occurs first.

232 Section 7. The Department of Law Enforcement shall

20-00788B-10

2010856

233 establish a memorandum of understanding with the federal  
234 Department of Homeland Security regarding illegal aliens  
235 confined in county detention facilities. The memorandum of  
236 understanding must provide for reimbursement by the federal  
237 Department of Homeland Security for the cost of care and custody  
238 of such illegal aliens in county facilities and must provide  
239 requirements pertaining to deportation.

240 Section 8. (1) The Department of Law Enforcement shall  
241 establish a memorandum of understanding with the Department of  
242 Corrections to provide temporary shelter and supervision for  
243 individuals detained as undocumented individuals or as illegal  
244 aliens. The memorandum of understanding shall include  
245 requirements for sheltering and supervision in a minimum-  
246 security arrangement and a method for collecting costs  
247 associated with these detention facilities.

248 (2) The Department of Corrections, through its memorandum  
249 of understanding with the Department of Law Enforcement, shall  
250 seek federal assistance to provide temporary housing resources,  
251 including portables and food assistance through the United  
252 States Department of Agriculture grant programs, to help reduce  
253 costs associated with detention of undocumented individuals or  
254 individuals identified as illegal aliens.

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

259 Section 9. The Secretary of Corrections shall appoint an  
260 advisory workgroup to review sites for detention facilities for  
261 individuals detained who are undocumented or identified as

20-00788B-10

2010856

262 illegal aliens and to develop state standards for these sites.  
263 The workgroup shall seek to use the current facilities and  
264 resources available to Department of Corrections for detention  
265 facilities for individuals detained who are undocumented or  
266 identified as illegal aliens to the extent possible to minimize  
267 the fiscal impact on state correctional budgets. The membership  
268 of the workgroup must include representatives from the Police  
269 Benevolent Association and the Fraternal Order of Police. The  
270 workgroup may also include legislative staff appointed by the  
271 presiding officers of their respective chambers. Members of the  
272 workgroup shall serve without compensation for such service. The  
273 workgroup shall submit a report with findings and  
274 recommendations to the President of the Senate, the Speaker of  
275 the House of Representatives, and the secretary by December 31,  
276 2010.

277 Section 10. Section 409.954, Florida Statutes, is created  
278 to read:

279 409.954 Verification of immigration status for public  
280 benefits.—

281 (1) Except as provided in subsection (3) or where exempted  
282 by federal law, each agency of the executive, legislative, or  
283 judicial branch of state government shall verify the lawful  
284 presence in the United States of any natural person 18 years of  
285 age or older who has applied for state public benefits as  
286 defined in 8 U.S.C. s. 1621 or for federal public benefits as  
287 defined in 8 U.S.C. s. 1611 that are administered by that  
288 agency.

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

20-00788B-10

2010856

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

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

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

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

300 (d) Public health assistance for immunizations with respect  
301 to diseases and for testing and treatment of symptoms of  
302 communicable diseases, regardless of whether such symptoms are  
303 caused by a communicable disease; or

304 (e) Programs, services, or assistance such as soup  
305 kitchens, crisis counseling and intervention, and short-term  
306 shelter specified by the United States Attorney General, in the  
307 sole and unreviewable discretion of the United States Attorney  
308 General after consultation with appropriate federal agencies and  
309 departments, which:

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

312 2. Do not condition the provision of assistance, the amount  
313 of assistance provided, or the cost of assistance provided on  
314 the income or resources of the individual recipient; and

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

316 (4) Verification of lawful presence in the United States by  
317 an agency required to make such verification shall require that  
318 the applicant execute an affidavit under penalty of perjury that  
319 the applicant is:

20-00788B-10

2010856\_\_

- 320       (a) A United States citizen; or  
321       (b) A qualified alien under the Immigration and Nationality  
322 Act, 8 U.S.C. ss. 1101 et seq., and is lawfully present in the  
323 United States.
- 324       (5) For any applicant who has executed the affidavit  
325 described in paragraph (4) (b), eligibility for benefits shall be  
326 made through the Systematic Alien Verification of Entitlement  
327 program operated by the United States Department of Homeland  
328 Security or a successor program designated by that department.  
329 Until such eligibility verification is made, the affidavit may  
330 be presumed to be proof of lawful presence for the purposes of  
331 this section.
- 332       (6) Any person who knowingly and willfully makes a false,  
333 fictitious, or fraudulent statement or representation in an  
334 affidavit executed pursuant to subsection (4) and any person who  
335 aids or abets a person in knowingly and willfully making such a  
336 statement or representation in an affidavit shall be subject to  
337 criminal penalties applicable in this state for fraudulently  
338 obtaining public assistance program benefits and must disgorge  
339 any benefit received and make restitution to the agency that  
340 administered the benefit or entitlement. If the affidavit  
341 constitutes a false claim of United States citizenship under 18  
342 U.S.C. s. 911, a complaint shall be filed by the agency  
343 requiring the affidavit with the appropriate United States  
344 Attorney.
- 345       (7) An agency may adopt variations to the requirements of  
346 this section that demonstrably improve the efficiency of or  
347 reduce delay in the verification process, or to provide for  
348 adjudication of unique individual circumstances where the

20-00788B-10

2010856

349 verification procedures in this section would impose unusual  
350 hardship on a legal resident of this state. However, no  
351 variation adopted under this subsection may have the effect of  
352 eliminating the requirement for verification as provided in  
353 subsection (1).

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

357 (9) Each agency of the executive, legislative, or judicial  
358 branch of state government that administers a program of state  
359 public benefits shall provide an annual report to the Secretary  
360 of Children and Family Services with respect to its compliance  
361 with this section. Any and all incidents of noncompliance shall  
362 be reported to the United States Department of Homeland Security  
363 by the Secretary of Children and Family Services.

364 Section 11. Effective January 1, 2011, part XVII of chapter  
365 468, Florida Statutes, consisting of sections 468.85, 468.851,  
366 468.852, and 468.853, Florida Statutes, is created to read:

367 PART XVII

368 IMMIGRATION ASSISTANCE SERVICES

369  
370 468.85 Immigration assistance services.—

371 (1) FINDINGS AND INTENT.—The Legislature finds and declares  
372 that private individuals who assist persons with immigration  
373 matters have a significant impact on the ability of their  
374 clients to reside and work within the United States and to  
375 establish and maintain stable families and business  
376 relationships. The Legislature further finds that that  
377 assistance and its impact also have a significant effect on the

20-00788B-10

2010856

378 cultural, social, and economic life of this state and thereby  
379 substantially affect the public interest. It is the intent of  
380 the Legislature to establish rules of practice and conduct for  
381 those individuals to promote honesty and fair dealing with  
382 residents and to preserve public confidence.

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

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

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

392 (c) "Immigration matter" means any proceeding, filing, or  
393 action affecting the nonimmigrant, immigrant, or citizenship  
394 status of any person that arises under immigration and  
395 naturalization law, executive order, or presidential  
396 proclamation of the United States or any foreign country or that  
397 arises under action of the United States Citizenship and  
398 Immigration Services, the United States Department of Labor, or  
399 the United States Department of State.

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

403 (a) Completing a government agency form requested by the  
404 customer and appropriate to the customer's needs, provided that  
405 the completion of that form does not involve a legal judgment  
406 for that particular matter.

20-00788B-10

2010856\_\_

407 (b) Transcribing responses to a government agency form that  
408 is related to an immigration matter; however, the person may not  
409 advise a customer as to the substance of his or her answers on  
410 such a form.

411 (c) Translating information on forms to a customer and  
412 translating the customer's answers to questions posed on those  
413 forms.

414 (d) Securing for the customer supporting documents  
415 currently in existence, such as birth and marriage certificates,  
416 that may be required to be submitted with government agency  
417 forms.

418 (e) Translating documents from a foreign language into  
419 English.

420 (f) Notarizing signatures on government agency forms,  
421 provided that the person performing the service is a notary  
422 public commissioned in this state and is lawfully present in the  
423 United States.

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

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

429 (i) Arranging for the performance of medical testing,  
430 including X rays and AIDS tests, and the obtaining of reports of  
431 such test results.

432 (j) Conducting English language and civics courses  
433 necessary for the immigration process.

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

20-00788B-10

2010856

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

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

446 (c) Make any misrepresentation or false statement, directly  
447 or indirectly, to influence, persuade, or induce patronage.

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

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

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

453 (a) An attorney licensed to practice law in any state or  
454 territory of the United States, or in any foreign country when  
455 authorized to practice in this state by the Florida Supreme  
456 Court, to the extent the attorney provides immigration  
457 assistance services in the course of practicing as an attorney.

458 (b) A nonlawyer assistant employed by and under the direct  
459 supervision of a licensed attorney described in paragraph (a)  
460 and providing immigration assistance services in the course of  
461 the assistant's employment.

462 (c) A not-for-profit organization recognized by the Board  
463 of Immigration Appeals under 8 C.F.R. s. 292.2(a), employees of  
464 those organizations accredited under 8 C.F.R. s. 292.2(d), and

20-00788B-10

2010856\_\_

465 designated entities as defined in 8 C.F.R. s. 245a.1.

466 (d) An organization employing or desiring to employ an  
467 alien or nonimmigrant alien, which organization, its employees,  
468 or its agents provide advice or assistance in immigration  
469 matters to alien or nonimmigrant alien employees or potential  
470 employees without compensation from the individuals to whom the  
471 advice or assistance is provided.

472 (6) CONTRACT.—

473 (a) Except as otherwise provided in this subsection, before  
474 providing any assistance in an immigration matter, a person  
475 shall provide the customer with a written contract that includes  
476 the following:

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

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

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

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

486 (c) This subsection does not apply to a not-for-profit  
487 organization that provides advice or assistance in immigration  
488 matters to clients without charge beyond a reasonable fee to  
489 reimburse the organization's reasonable costs relating to  
490 providing immigration assistance services to that client.

491 (7) SIGNAGE.—Any person who provides or offers to provide  
492 immigration assistance services and is not exempted from this  
493 part shall post signs at his or her place of business setting

20-00788B-10

2010856

494 forth information in English and in every other language in  
495 which the person provides or offers to provide immigration  
496 assistance services. Each language shall be on a separate sign.  
497 Signs shall be posted in a location where the signs will be  
498 visible to customers, and no text on the sign shall be in a font  
499 size less than one-half of the size of the largest font used  
500 elsewhere on the sign. Each sign shall be at least 11 inches by  
501 17 inches and shall contain the following:

502 (a) In a font size no less than three-quarters of the  
503 largest font size used elsewhere on the sign, the statement: "I  
504 AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE  
505 LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

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

511 (c) The fee schedule.

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

515 (e) A statement that a copy of the contract shall be  
516 provided to the customer upon the customer's execution of the  
517 contract.

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

521 (g) A statement that the customer has the right to rescind  
522 a contract within 72 hours after his or her signing of the

20-00788B-10

2010856

523 contract.

524 (h) Any additional information the department may require  
525 by rule.

526 (8) ADVERTISING.—

527 (a) Every person providing immigration assistance services  
528 who is not an attorney and who advertises immigration assistance  
529 services in a language other than English:

530 1. In any written form or medium containing writing, with  
531 the exception of a single desk plaque, shall include in the  
532 advertisement the following notice in English and any other  
533 language in which writing appears: "I AM NOT AN ATTORNEY  
534 LICENSED TO PRACTICE LAW IN FLORIDA AND MAY NOT GIVE LEGAL  
535 ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." This notice shall be of  
536 a conspicuous size.

537 2. Through radio, television, or any other audio or video  
538 medium, shall include substantially the same message as provided  
539 in subparagraph 1. in English and in any other language used in  
540 the advertisement.

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

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

20-00788B-10

2010856\_\_

552 468.851 Licensure.—

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

555 (2) The department shall issue a license to provide  
556 immigration services to any person who meets the following  
557 requirements:

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

559 (b) Is of good moral character.

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

574 (d) Has submitted to the department a fingerprint card for  
575 a criminal history records check. The fingerprint card shall be  
576 forwarded to the Division of Criminal Justice Information  
577 Systems within the Department of Law Enforcement for purposes of  
578 processing the fingerprint card to determine whether the  
579 applicant has a criminal history record. The fingerprint card  
580 shall also be forwarded to the Federal Bureau of Investigation

20-00788B-10

2010856

581 for purposes of processing the fingerprint card to determine  
582 whether the applicant has a criminal history record. The  
583 information obtained by the processing of the fingerprint card  
584 by the Department of Law Enforcement and the Federal Bureau of  
585 Investigation shall be sent to the department for the purpose of  
586 determining whether the applicant is statutorily qualified for  
587 licensure.

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

593 (3) A license issued under this section is not  
594 transferable.

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

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

602 468.852 Violations.—

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

608 (2) When the department finds a licensee guilty of any  
609 violation of s. 468.85, the department may enter an order

20-00788B-10

2010856\_\_

610 imposing one or more of the penalties provided in s. 455.227 and  
611 an administrative fine not to exceed \$25,000 for each separate  
612 offense.

613 468.853 Rulemaking authority.—The department may adopt  
614 rules pursuant to ss. 120.536(1) and 120.54 necessary to  
615 administer and enforce this part.

616 Section 12. Section 877.28, Florida Statutes, is created to  
617 read:

618 877.28 Offenses concerning illegal aliens.—

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

620 (a) Transport, move, or attempt to transport or move within  
621 the United States any alien while knowing or in reckless  
622 disregard of the fact that the alien has come to, entered, or  
623 remained in the United States in violation of law in furtherance  
624 of the illegal presence of the alien in the United States.

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

631 (2) Any person who violates this section commits a  
632 misdemeanor of the first degree, punishable as provided in s.  
633 775.082 or s. 775.083.

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

638 903.046 Purpose of and criteria for bail determination.—

20-00788B-10

2010856\_\_

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

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

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

647 905.34 Powers and duties; law applicable.—The jurisdiction  
648 of a statewide grand jury impaneled under this chapter shall  
649 extend throughout the state. The subject matter jurisdiction of  
650 the statewide grand jury shall be limited to the offenses of:

651 (11) Any criminal violation of the Florida Money Laundering  
652 Act; ~~or~~

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

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

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

20-00788B-10

2010856\_\_

668 county grand juries shall apply to a statewide grand jury except  
669 when such powers, duties, and law are inconsistent with the  
670 provisions of ss. 905.31-905.40.

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

673 943.03 Department of Law Enforcement.—

674 (15) The department shall establish a hotline for reporting  
675 any allegations of immigration law violations and violations of  
676 law by nonresidents.

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

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

693 (3) For the purpose of determining the grant or issuance of  
694 bond, a person who pursuant to subsection (2) has been  
695 determined to be a foreign national who has not been lawfully  
696 admitted to the United States shall be deemed to be a risk of

20-00788B-10

2010856

697 flight.

698 (4) The Department of Law Enforcement may adopt rules  
699 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to  
700 implement this section.

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

703 1000.09 Citizenship or legal residency requirement.—A  
704 person may not attend a public prekindergarten or public K-20  
705 school, charter school, or educational institution in this state  
706 unless he or she is a citizen of the United States or is  
707 lawfully present in the United States.

708 Section 18. Effective July 1, 2010, paragraph (a) of  
709 subsection (1) of section 1009.40, Florida Statutes, is amended  
710 to read:

711 1009.40 General requirements for student eligibility for  
712 state financial aid awards and tuition assistance grants.—

713 (1)(a) The general requirements for eligibility of students  
714 for state financial aid awards and tuition assistance grants  
715 consist of the following:

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

725 2. Residency in this state for no less than 1 year

20-00788B-10

2010856

726 preceding the award of aid or a tuition assistance grant for a  
727 program established pursuant to s. 1009.50, s. 1009.505, s.  
728 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.  
729 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
730 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891.  
731 Residency in this state must be for purposes other than to  
732 obtain an education. Resident status for purposes of receiving  
733 state financial aid awards shall be determined in the same  
734 manner as resident status for tuition purposes pursuant to s.  
735 1009.21.

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

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

751 Section 19. (1) The executive director of the Department of  
752 Law Enforcement shall negotiate the terms of a memorandum of  
753 understanding between this state and the United States  
754 Department of Justice or the United States Department of

20-00788B-10

2010856

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

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

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

782 (2) Upon detection of an individual who appears to have an  
783 illegal status, the Department of Children and Family Services

20-00788B-10

2010856

784 shall report the individual to the Department of Law  
785 Enforcement's statewide hotline operated under s. 943.03(15),  
786 Florida Statutes, as created by this act, to ensure proper  
787 reporting of such individuals. If children are involved, the  
788 Department of Children and Family Services shall also contact  
789 the child abuse hotline to ensure the safety and protection of  
790 such children.

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

800 Section 22. The Department of Children and Family Services  
801 and the Department of Health shall develop and maintain a  
802 memorandum of understanding with the Department of Law  
803 Enforcement for its assistance in identifying and reducing the  
804 provision of state-funded services to individuals residing  
805 illegally in the United States.

806 Section 23. (1) The Commissioner of Agriculture may seek a  
807 memorandum of understanding with the federal Department of  
808 Homeland Security to establish requirements and standards for a  
809 bulk labor visa program for agriculture in this state. Such  
810 requirements and standards shall include, but are not limited  
811 to:

812 (a) Provision for written agreements between farming

20-00788B-10

2010856

813 communities and the Department of Agriculture and Consumer  
814 Services to allow a certified farmer to apply for a bulk labor  
815 visa in order to import guest workers for the specific purpose  
816 of harvesting and processing crops and performing any other  
817 duties identified by the Commissioner of Agriculture as critical  
818 to the success of agriculture in this state.

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

825 (2) The Commissioner of Agriculture shall establish an  
826 advisory workgroup to help establish standards and ensure the  
827 proper oversight and management of guest workers temporarily in  
828 the state under the bulk visa program.

829 Section 24. Except as otherwise expressly provided in this  
830 act and except for this section, which shall take effect July 1,  
831 2010, this act shall take effect October 1, 2010.