

By Senator Simpson

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1 A bill to be entitled
2 An act relating to prevention of acts of war; creating
3 s. 943.0323, F.S.; providing definitions; prohibiting
4 the state, political subdivisions, their agencies and
5 employees, and persons receiving state funds from
6 assisting with the entry into or resettlement in the
7 state of certain foreign refugees and immigrants;
8 requiring persons offering resettlement assistance to
9 foreign refugees or immigrants through certain
10 resettlement assistance programs to submit the
11 personal identifying information of such refugees and
12 immigrants to the Department of Law Enforcement;
13 directing the department to conduct background
14 screenings and report specified information to the
15 Governor, the United States Department of Homeland
16 Security, and certain persons; authorizing the
17 Governor to exercise certain powers, monitor the
18 presence of certain persons entering into, resettling,
19 or residing in the state, adopt rules and forms and
20 procedures, and exempt individuals or categories of
21 individuals from screenings and reports; authorizing
22 the Governor and Attorney General to challenge
23 specified federal laws and regulations; directing the
24 Governor and Attorney General to prevent the entry
25 into or resettlement in the state of certain
26 restricted persons; providing applicability; providing
27 an effective date.

28
29 WHEREAS, since the entry into Florida of foreign persons
30 who trained in the state and subsequently attacked the United
31 States on September 11, 2001, Florida has remained under
32 imminent threat of the surreptitious invasion of foreign persons

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33 intending to conquer or violently destroy the way of life for
34 the citizens of the United States and its constituent states,
35 and

36 WHEREAS, such persons are organized or affiliated with
37 armies presently holding and administering territories outside
38 the United States and insurgencies engaged in capturing such
39 territories, and

40 WHEREAS, such persons have and may continue to find safe
41 haven through alliances with foreign governments or the
42 sympathies of nongovernmental organizations, and

43 WHEREAS, the State of Florida has sufficient sovereign
44 power to defend itself against invasion or imminent threat of
45 invasion pursuant to Section 10, Article I of the United States
46 Constitution, and

47 WHEREAS, the State Constitution and Florida law fully
48 empower the Governor, as commander-in-chief of all military
49 forces in Florida not in active service of the United States
50 Armed Forces, including the general militia, to defend the state
51 against the entry and actions of such persons, and

52 WHEREAS, principles of federalism applied in various United
53 States Supreme Court decisions preclude the commandeering of
54 state agencies in the pursuit of federal policies or in
55 execution of federal law, except by consent of the state, NOW,
56 THEREFORE,

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

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60 Section 1. Section 943.0323, Florida Statutes, is created
61 to read:

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62 943.0323 Prevention of acts of war.—

63 (1) DEFINITIONS.—As used in this section, the term:

64 (a) "Foreign refugee or immigrant" means a person who is
65 not a United States citizen but who seeks entry into or
66 resettlement in the state.

67 (b) "Invader" means a person who is not a United States
68 citizen who enters into or remains in the state with the intent
69 of doing violence to persons or destroying property as part of a
70 conspiracy or plan to:

71 1. Violently injure the way of life for citizens of the
72 state;

73 2. Weaken or conquer all or any portion of the state or of
74 the United States; or

75 3. Wage war against the United States to ally with its
76 enemies or provide comfort and aid to its enemies.

77 (c) "Personal identifying information" of a foreign refugee
78 or immigrant includes passport information and fingerprints,
79 addresses and geographical location of any temporary or
80 permanent residence that has been or may be used, and other
81 information required by the Governor under this section.

82 (d) "Restricted person" means a foreign refugee or
83 immigrant for whom there is reasonable cause to believe that he
84 or she originates from, or has been in close proximity to, any
85 location in which invaders or prospective invaders are known to
86 originate or organize or train for violent acts of war.

87 (2) NONCOOPERATION WITH ENTRY OR RESETTLEMENT OF RESTRICTED
88 PERSONS.—

89 (a) The state or an agency or employee thereof, or a
90 political subdivision of the state or an agency or employee

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91 thereof, may not cooperate with or assist any person, including
92 a federal agent, with the entry into or resettlement in the
93 state of a restricted person unless the Governor expressly
94 authorizes such cooperation or assistance.

95 (b) A person who, on or after the effective date of this
96 section, receives state funds for any purpose may not, for 5
97 years after receiving such funds, assist with the entry into or
98 resettlement in the state of a restricted person unless the
99 Governor expressly authorizes such assistance.

100 (c) A person who, on or after the effective date of this
101 section, assists with the entry into or resettlement in the
102 state of a restricted person may not receive state funds for any
103 purpose for 5 years after the most recent act of such assistance
104 unless the Governor expressly authorizes such assistance.

105 (3) SCREENING OF FOREIGN REFUGEES AND IMMIGRANTS.—

106 (a) A person who, upon the effective date of this section
107 through any public or private resettlement assistance program
108 for foreign refugees or immigrants, is engaged in assisting with
109 the entry into or resettlement in the state of a foreign refugee
110 or immigrant, within 30 days after the effective date of this
111 section, shall submit to the department the personal identifying
112 information of the foreign refugee or immigrant.

113 (b) A person who, after the effective date of this section
114 through any public or private resettlement assistance program
115 for foreign refugees or immigrants, engages in assisting with
116 the entry into or resettlement in the state of a foreign refugee
117 or immigrant, upon agreeing to provide such assistance, shall
118 submit to the department the personal identifying information of
119 the foreign refugee or immigrant.

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120 (c) A person who, before the effective date of this section
121 through any public or private resettlement assistance program
122 for foreign refugees or immigrants, engaged in assisting with
123 the entry into or resettlement in the state of a foreign refugee
124 or immigrant who has continually resided in the state since
125 January 1, 2011, within 90 days after the effective date of this
126 section, shall submit to the department the personal identifying
127 information of the foreign refugee or immigrant.

128 (d)1. The department shall conduct a background screening
129 of a foreign refugee or immigrant within 15 days after receipt
130 of his or her personal identifying information pursuant to
131 paragraph (a) or paragraph (b). The department shall conduct a
132 background screening of a foreign refugee or immigrant residing
133 in the state within 90 days after receipt of his or her personal
134 identifying information pursuant to paragraph (c). The
135 department may cooperate and share information with federal
136 agencies as may be expedient in conducting the background
137 screening.

138 2. The department shall submit a report, as soon as
139 practicable, of the results of the background screening,
140 including any information indicating whether the foreign refugee
141 or immigrant is a restricted person or an invader, to the
142 Governor and the United States Department of Homeland Security.
143 Within 10 days after submitting such report, the Department of
144 Law Enforcement shall submit a separate report to the person who
145 submitted the personal identifying information, unless directed
146 otherwise by the Governor. The department may also provide
147 background screening information to any local law enforcement
148 agency as directed by the Governor.

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149 (4) GUBERNATORIAL POWERS.—The Governor may:

150 (a) Use all powers and resources, including police powers,
151 emergency powers, and military force, to prevent a restricted
152 person from entering into or resettling in the state and to
153 prevent a restricted person residing in the state from
154 committing violent acts of war, unless the Governor has
155 reasonable cause to believe that the restricted person is not an
156 invader.

157 (b) Monitor the presence of a restricted person entering
158 into, resettling in, or residing in the state.

159 (c) Adopt emergency rules and permanent rules necessary to
160 implement this section.

161 (d) Adopt forms and procedures for the collection of
162 personal identifying information under this section.

163 (e) Exempt individuals or categories of individuals from
164 this section in order to efficiently use departmental resources
165 for public safety.

166 (5) ACTIONS TO PREVENT THE RESETTLEMENT OF RESTRICTED
167 PERSONS.—

168 (a) The Governor and the Attorney General are independently
169 authorized to review and challenge the lawfulness of any federal
170 law or regulation encouraging or providing for the entry into or
171 resettlement in the state of restricted persons.

172 (b) The Governor and the Attorney General are independently
173 directed to take any action authorized by law to prevent the
174 entry into or resettlement in the state of a restricted person
175 by the Federal Government or any person unless the Governor or
176 the Attorney General has reasonable cause to believe that the
177 restricted person is not an invader.

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178 (6) APPLICABILITY.—This section supplements and does not
179 limit any emergency or military powers otherwise authorized by
180 law.

181 Section 2. This act shall take effect upon becoming a law.