

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  
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,

57  
 58 Be It Enacted by the Legislature of the State of Florida:

59  
 60 Section 1. Section 943.0323, Florida Statutes, is created  
 61 to read:

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  
 70 any 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  
 78 refugee or immigrant includes passport information and

79 fingerprints, addresses and geographical location of any  
80 temporary or permanent residence that has been or may be used,  
81 and other information required by the Governor under this  
82 section.

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

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

90 (a) The state or an agency or employee thereof, or a  
91 political subdivision of the state or an agency or employee  
92 thereof, may not cooperate with or assist any person, including  
93 a federal agent, with the entry into or resettlement in the  
94 state of a restricted person unless the Governor expressly  
95 authorizes such cooperation or assistance.

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

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

105 unless the Governor expressly authorizes such assistance.

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

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

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

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

129 (d)1. The department shall conduct a background screening  
130 of a foreign refugee or immigrant within 15 days after receipt

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

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

150 (4) GUBERNATORIAL POWERS.—The Governor is authorized to:

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

157 invader.

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

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

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

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

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

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

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

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

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