

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.

HB 1095

2016

183

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