

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; providing for the
17 assessment and payment of fees relating to processing
18 and retaining personal identifying information and
19 conducting background screenings; authorizing the
20 Governor to exercise certain powers, monitor the
21 presence of certain persons entering into, resettling,
22 or residing in the state, adopt rules and forms and
23 procedures, and exempt individuals or categories of
24 individuals from screenings and reports; authorizing
25 the Governor and Attorney General to challenge
26 specified federal laws and regulations; directing the

27 Governor and Attorney General to prevent the entry
28 into or resettlement in the state of certain
29 restricted persons; providing applicability; providing
30 an effective date.

31
32 WHEREAS, since the entry into Florida of foreign persons
33 who trained in the state and subsequently attacked the United
34 States on September 11, 2001, Florida has remained under
35 imminent threat of the surreptitious invasion of foreign persons
36 intending to conquer or violently destroy the way of life for
37 the citizens of the United States and its constituent states,
38 and

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

43 WHEREAS, such persons have and may continue to find safe
44 haven through alliances with foreign governments or the
45 sympathies of nongovernmental organizations, and

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

50 WHEREAS, the State Constitution and Florida law fully
51 empower the Governor, as commander-in-chief of all military
52 forces in Florida not in active service of the United States

53 Armed Forces, including the general militia, to defend the state
 54 against the entry and actions of such persons, and

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

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

62
 63 Section 1. Section 943.0323, Florida Statutes, is created
 64 to read:

65 943.0323 Prevention of acts of war.—

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

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

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

74 1. Violently injure the way of life for citizens of the
 75 state;

76 2. Weaken or conquer all or any portion of the state or of
 77 the United States; or

78 3. Wage war against the United States to ally with its

79 enemies or provide comfort and aid to its enemies.

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

86 (d) "Restricted person" means a foreign refugee or
87 immigrant for whom there is reasonable cause to believe that he
88 or she originates from, or has been in close proximity to, any
89 location designated by the Governor in which:

90 1. Invaders or prospective invaders are known to
91 originate, organize, or train for violent acts of war; or

92 2. A foreign terrorist organization designated by the
93 United States Secretary of State pursuant to 8 U.S.C. s. 1189
94 organizes, operates, or trains.

95 (2) NONCOOPERATION WITH ENTRY OR RESETTLEMENT OF
96 RESTRICTED PERSONS.—

97 (a) The state or an agency or employee thereof, or a
98 political subdivision of the state or an agency or employee
99 thereof, may not cooperate with or assist any person, including
100 a federal agent, with the entry into or resettlement in the
101 state of a restricted person unless the Governor expressly
102 authorizes such cooperation or assistance.

103 (b) A person who, on or after the effective date of this
104 act, receives state funds for any purpose may not, for 5 years

105 after receiving such funds, assist with the entry into or
106 resettlement in the state of a restricted person unless the
107 Governor expressly authorizes such assistance.

108 (c) A person who, after the effective date of this act,
109 assists with the entry into or resettlement in the state of a
110 restricted person may not receive state funds for any purpose
111 for 5 years after the most recent act of such assistance unless
112 the Governor expressly authorizes such assistance.

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

114 (a) A person who, upon the effective date of this act, is
115 engaged through a public or private resettlement assistance
116 program in assisting with the entry into or resettlement in the
117 state of a foreign refugee or immigrant, shall, within 30 days
118 after the effective date of this act, submit to the department
119 the personal identifying information of any foreign refugee or
120 immigrant the person assisted before the effective date of this
121 act, unless the foreign refugee or immigrant was born in the
122 Western Hemisphere.

123 (b) A person who, after the effective date of this act,
124 engages through any public or private resettlement assistance
125 program in assisting with the entry into or resettlement in the
126 state of a foreign refugee or immigrant, shall, upon agreeing to
127 provide such assistance, submit to the department the personal
128 identifying information of the foreign refugee or immigrant.

129 (c) A person who, before the effective date of this act,
130 engaged through any public or private resettlement assistance

131 program in assisting with the entry into or resettlement in the
132 state of a foreign refugee or immigrant, shall, within 90 days
133 after the effective date of this act, submit to the department
134 the personal identifying information of each such foreign
135 refugee or immigrant currently residing in this state, unless
136 the foreign refugee or immigrant was born in the Western
137 Hemisphere.

138 (d)1. The department shall conduct a background screening
139 of a foreign refugee or immigrant within 15 days after receipt
140 of his or her personal identifying information pursuant to
141 paragraph (a) or paragraph (b), within 30 days after receipt of
142 his or her personal identifying information pursuant to
143 paragraph (c), or within 90 days after receipt of his or her
144 personal identifying information for any foreign refugee or
145 immigrant continuously residing in the state since January 1,
146 2011. The department may cooperate and share information with
147 federal agencies as may be expedient in conducting the
148 background screening.

149 2. The department shall submit a report, as soon as
150 practicable, of the results of the background screening,
151 including any information indicating whether the foreign refugee
152 or immigrant is a restricted person or an invader, to the
153 Governor and the United States Department of Homeland Security.
154 Within 10 days after submitting such report, the Department of
155 Law Enforcement shall submit a separate report to the person who
156 submitted the personal identifying information, unless directed

157 otherwise by the Governor. The department may also provide
158 background screening information to any local law enforcement
159 agency as directed by the Governor.

160 (e) Any fees that must be assessed by the department to
161 process and retain personal identifying information and conduct
162 a background screening of a foreign refugee or immigrant
163 pursuant to this subsection shall be paid by the foreign refugee
164 or immigrant subject to the background screening or by the
165 person who engaged through a public or private resettlement
166 assistance program in assisting with the entry into or
167 resettlement in the state of such foreign refugee or immigrant.
168 The department may not assess under this paragraph a fee higher
169 than the lowest fee authorized under s. 943.053.

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

171 (a) Use all powers and resources, including police powers,
172 emergency powers, and military force, to prevent a restricted
173 person from entering into or resettling in the state and to
174 prevent a restricted person residing in the state from
175 committing violent acts of war, unless the Governor has
176 reasonable cause to believe that the restricted person is not an
177 invader.

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

180 (c) Adopt emergency rules and permanent rules necessary to
181 implement this section.

182 (d) Adopt forms and procedures for the collection of

183 personal identifying information under this section.

184 (e) Exempt individuals or categories of individuals from
 185 this section in order to efficiently use departmental resources
 186 for public safety.

187 (5) ACTIONS TO PREVENT THE RESETTLEMENT OF RESTRICTED
 188 PERSONS.—

189 (a) The Governor and the Attorney General are
 190 independently authorized to review and challenge the lawfulness
 191 of any federal law or regulation encouraging or providing for
 192 the entry into or resettlement of restricted persons in the
 193 state.

194 (b) The Governor and the Attorney General are
 195 independently directed to take any action authorized by law to
 196 prevent the entry into or resettlement in the state of a
 197 restricted person by the Federal Government or any person unless
 198 the Governor has reasonable cause to believe that the restricted
 199 person is not an invader.

200 (6) APPLICABILITY.—This section supplements and does not
 201 limit any emergency or military powers otherwise authorized by
 202 law.

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