

**IN THE SUPREME COURT OF FLORIDA**

CASE NO.: SC22-796

**FIRST PRESENTMENT OF THE TWENTY-FIRST STATEWIDE GRAND JURY  
(FLORIDA STATUTE 787.07)**

We, the members of the Twenty-First Statewide Grand Jury, have been asked to investigate the impact of illegal immigration on the State of Florida. A critical component of this issue is the smuggling of both unaccompanied illegal alien minors and adults into and within the State of Florida by those conspiring with transnational criminal organizations (TCOs).

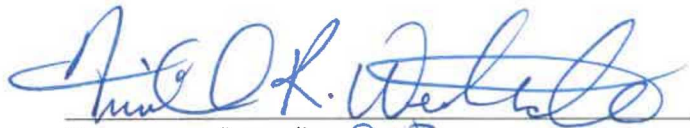
During our first session, we heard testimony from witnesses such as Bill Gladson, State Attorney for the Fifth Judicial Circuit of Florida, Polk County Sheriff Grady Judd, and Brevard County Sheriff Wayne Ivey. We also received exhibits about the nature of human smuggling in Florida and how illegal aliens are transported into and within the state. Additionally, we heard testimony about specific instances of human smuggling and the efforts law enforcement agencies have taken to stem the rising tide of human smuggling in our state.

As a result, we have concluded that the smuggling of illegal aliens not only endangers Floridians, but also generates huge sums of money for TCOs which are used to further a host of criminal activities, notably drug trafficking and human trafficking. Additionally, the illegal aliens being smuggled into and within the state are put into a vulnerable position and are often exploited by criminals. This is particularly troubling when dealing with unaccompanied alien minors.

While state and local law enforcement agencies have done their best to combat this escalating threat, it is clear that more needs to be done. Since the smuggling of illegal aliens into and within Florida involves multiple individuals, TCOs, and other criminals, the human smuggling statute must be revised.

To that end, we have deliberated and drafted a new version for the Legislature's consideration and approval. We believe this issue must be remedied. It is critical to give the statute the force it needs to deter human smuggling in our state and hold accountable those who are engaged in its commission.

Respectfully submitted to the Honorable Ellen S. Masters, Presiding Judge of the Twenty-First Statewide Grand Jury, this 6th day of December, 2022.



Foreperson Juror # 018  
Twenty-First Statewide Grand Jury

THE FOREGOING Presentment Report was returned to me in open court this 6th day of December, 2022.



HON. ELLEN S. MASTERS, Presiding Judge  
Twenty-First Statewide Grand Jury

I, Nicholas B. Cox, Statewide Prosecutor and Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of December, 2022.



NICHOLAS B. COX  
Statewide Prosecutor  
Twenty-First Statewide Grand Jury

I, Richard Mantei, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of December, 2022.



RICHARD MANTEI  
Assistant Statewide Prosecutor  
Twenty-First Statewide Grand Jury

I, Guillermo Vallejo, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of December, 2022.



GUILLERMO VALLEJO  
Assistant Statewide Prosecutor  
Twenty-First Statewide Grand Jury

**FILED**

JOHN A. TOMASINO

DEC 06 2022

CLERK, SUPREME COURT  
BY 

§ 787.07 Smuggling And Harboring of Persons

A person who:

- (1) transports within or into this state an individual whom the person:
  - a. knows, or should know, or is in reckless disregard of the fact that the individual has
  - b. illegally entered the United States from another country, or remains in the United States in violation of law;

Or

- (2) Conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection in any place within the State of Florida, including any temporary or permanent structure or any means of transportation, an individual whom the person:
  - a. knows, or should know, or is in reckless disregard of the fact that the individual has
  - b. illegally entered the United States from another country, or remains in the United States in violation of law,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (3) A person who violates subsection (1) or (2) by transporting, concealing, harboring, shielding from detection, or attempting to transport, conceal, harbor, or shield from detection within the State of Florida any child younger than 18 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (4) A person commits a separate offense for each individual he or she transports or harbors in violation of this section.
- (5) A person who commits this offense against five or more individuals during a single episode commits a felony of the second degree.
- (6) A prior conviction under this chapter shall result in any subsequent conviction constituting a felony of the second degree for any violation of section (1) or (2) and a felony of the first degree for any violation of section (3) or (5).

(7) Proof that a person presented false identification, or knowingly and willfully gave false information to a law enforcement officer who is conducting an investigation of this offense, gives rise to an inference that such person was aware that the transported individual had illegally entered or remained in the United States.

Florida law also recognizes a concept known as willful blindness, which is sometimes referred to as “deliberate avoidance of positive knowledge.” Willful blindness occurs when a person has his or her suspicion aroused about a particular fact, realized its probability, but deliberately refrained from obtaining confirmation because he or she wanted to remain in ignorance. A person who engages in willful blindness is deemed to have knowledge of that fact (Florida Standard Jury Instruction 3.3(h)).

(8) No person arrested or charged with this offense shall be permitted to be released prior to first appearance, notwithstanding Chapter 907.041 or any other law.

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Chapter 921, Florida Statutes, is hereby amended so that § 787.07, Fla. Stat. is moved from 921.0022(d) to 921.0022(e), increasing the severity level from Level Four to Level Five for purposes of the Criminal Punishment Code.

**FILED**  
**JOHN A. TOMASINO**

**DEC 06 2022**

**CLERK, SUPREME COURT**  
**BY** \_\_\_\_\_