

By the Committee on Commerce and Economic Opportunities; and
Senator Campbell

310-2210-98

1 A bill to be entitled
2 An act relating to persons not legally
3 authorized for employment; amending s. 287.012,
4 F.S.; providing that, to be a "qualified
5 bidder" with respect to providing personal
6 property or services, a person must comply with
7 any contract conditions prohibiting the
8 employment of persons not legally authorized
9 for such employment; amending s. 287.057, F.S.;
10 requiring that invitations to bid, requests for
11 proposal, and contracts shall contain notice
12 specifying that contracts with a contractor who
13 knowingly employs persons not legally
14 authorized for such employment shall be subject
15 to cancellation; providing the process for such
16 cancellation; providing an effective date.

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

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20 Section 1. Subsection (13) of section 287.012, Florida
21 Statutes, is amended to read:

22 287.012 Definitions.--The following definitions shall
23 apply in this part:

24 (13) "Qualified bidder," "responsible bidder,"
25 "qualified offeror," or "responsible offeror" means a person
26 who has the capability in all respects to perform fully the
27 contract requirements, complies with any contract conditions
28 prohibiting the employment of persons not legally authorized
29 for such employment, and has the integrity and reliability
30 which will assure good faith performance.

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1 The employment of persons whom the contractor, through
2 the actions of the owner, chief executive officer, chief
3 financial officer, or any person with authority to hire and
4 manage the operations of the contractor's business, knows are
5 not legally authorized for such employment shall be cause for
6 cancellation of the contract pursuant to section 287.057(22),
7 Florida Statutes.

8 (22) Any contract with a contractor who knowingly,
9 through the actions of the owner, chief executive officer,
10 chief financial officer, or any person with authority to hire
11 and manage the operations of the contractor's business,
12 employs persons not legally authorized for such employment
13 shall be subject to cancellation by filing for declaratory
14 judgment in the circuit court wherein the state agency, as
15 defined in s. 287.012(1), maintains its principal place of
16 business.

17 Section 3. This act shall take effect October 1, 1998.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 1064

22 The committee substitute:

23 Eliminates references to "illegal aliens," to instead make the
24 measure's government contractor qualification, notice, and
25 contract cancellation provisions applicable to the employment
26 of persons "not legally authorized for such employment."

27 Bases a contractor's responsibility relating to the employment
28 of persons not legally authorized for such employment upon the
29 actions of the owner, chief executive officer, chief financial
30 officer, or any person with authority to hire and manage the
31 operations of the contractor's business.

32 Specifies that a contract with a contractor who knowingly
33 employs persons not legally authorized for such employment is
34 subject to cancellation by filing for declaratory judgment in
35 the circuit court where the applicable state agency maintains
36 its principal place of business.