

By Representative Harrington

1                                   A bill to be entitled  
2           An act relating to public contracts; creating  
3           s. 287.1335, F.S.; providing definitions;  
4           defining the term "unauthorized alien" to mean  
5           an alien who is not lawfully admitted for  
6           permanent residence in the United States or  
7           authorized to be employed in the United States;  
8           prohibiting an unauthorized alien, or an entity  
9           under the control of an unauthorized alien,  
10          from bidding on or performing work under a  
11          contract for a state agency or political  
12          subdivision of the state; prohibiting a state  
13          agency or political subdivision of the state  
14          from accepting a bid from, awarding a contract  
15          to, or transacting business with an  
16          unauthorized alien or an affiliate of an  
17          unauthorized alien; requiring that notice of  
18          such prohibitions be included in certain  
19          invitations to bid, requests for proposals, and  
20          contract documents; providing an effective  
21          date.

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

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25           Section 1. Section 287.1335, Florida Statutes, is  
26          created to read:

27                   287.1335 Unauthorized aliens prohibited from  
28          transacting business with public entities.--

29                   (1) As used in this section, the term:

30                   (a) "Affiliate" means:

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1           1. A predecessor or successor of a person who is an  
2 unauthorized alien; or  
3           2. An entity under the control of any natural person  
4 who is an unauthorized alien and who is active in the  
5 management of the entity. The term includes those officers,  
6 directors, executives, partners, shareholders, employees,  
7 members, and agents who are unauthorized aliens and who are  
8 active in the management of an affiliate. The ownership by an  
9 unauthorized alien of shares constituting a controlling  
10 interest in another person, or a pooling of equipment or  
11 income among persons when not for fair market value under an  
12 arm's length agreement, is prima facie evidence that one  
13 person controls another person. A person who knowingly entered  
14 into a joint venture with an unauthorized alien during the  
15 preceding 36 months is an affiliate.  
16           (b) "Unauthorized alien" means, with respect to  
17 employment, that an alien is not:  
18           1. Lawfully admitted for permanent residence in the  
19 United States; or  
20           2. Authorized to be employed under the Immigration and  
21 Naturalization Act or by the Attorney General of the United  
22 States.  
23           (c) "Person" means any natural person or entity that  
24 is organized under the laws of any state or of the United  
25 States, that has the legal power to enter into a binding  
26 contract, and that bids or applies to bid on a contract let by  
27 a public entity or which otherwise transacts or applies to  
28 transact business with a public entity. The term includes the  
29 officers, directors, executives, partners, shareholders,  
30 employees, members, and agents who are active in the  
31 management of an entity.

1        (d) "Public entity" means the State of Florida, any of  
2 its departments or agencies, or a political subdivision of the  
3 state.

4        (2)(a) A person or affiliate who is an unauthorized  
5 alien may not submit a bid on a contract to provide goods or  
6 services to a public entity; may not submit a bid on a  
7 contract with a public entity for the construction or repair  
8 of a public building or public work; may not submit a bid on  
9 the lease of real property to a public entity; and may not be  
10 awarded or perform work as a contractor, supplier,  
11 subcontractor, or consultant under a contract with any public  
12 entity.

13        (b) A public entity may not accept a bid from, award a  
14 contract to, or transact business with a person who is an  
15 unauthorized alien or the affiliate of an unauthorized alien.

16        (3) An invitation to bid as defined by s. 337.11 or s.  
17 287.012(11), a request for proposals as defined by s.  
18 287.012(15), and any contract document described by s. 287.058  
19 must contain a statement informing persons of the provisions  
20 of paragraph (2)(a).

21        Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Prohibits an alien who is not lawfully admitted for permanent residence in the United States or authorized to be employed in the United States, or an entity under the control of such an alien, from bidding on or performing work under a contract for a state agency or political subdivision of the state. Prohibits a state agency or political subdivision of the state from accepting a bid from, awarding a contract to, or transacting business with an alien, or entity under the control of an alien, who is not authorized to be employed in the United States. Requires that notice of such prohibitions be included in certain invitations to bid, requests for proposals, and contract documents used by state agencies and political subdivisions of the state. (See bill for details.)