

By Senator Carlton

24-723-02

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.)