

A bill to be entitled

An act relating to unauthorized employment; amending s. 193.461, F.S.; requiring denial of agricultural classification and assessment for specified time periods under circumstances involving employment of unauthorized aliens; requiring alternative assessment for specified time; amending s. 448.09, F.S.; providing an additional civil penalty for employment of unauthorized aliens; amending s. 570.07, F.S.; requiring the dissemination of information concerning compliance with federal work authorization programs; providing a definition; creating s. 559.7915, F.S.; requiring information demonstrating compliance with federal work authorization program as condition of licensure, certification, or registration; providing a definition; prohibiting unauthorized employment; establishing grounds for disciplinary action by the Department of Business and Professional Regulation; providing penalties; providing an effective date.

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

Section 1. Subsection (8) is added to section 193.461, Florida Statutes, to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; unauthorized employment prohibited; penalties.--

(8) (a) No lands shall be classified as agricultural lands for the length of time specified in paragraph (b) if the

29 landowner has been determined to have violated any provision of
30 the federal immigration law by knowingly hiring, recruiting, or
31 referring either for herself or himself or on behalf of another,
32 for private or public employment within the state, whether
33 through direct employment or through a contractor or
34 subcontractor, a person who is not duly authorized to work by
35 the federal immigration laws or the Attorney General of the
36 United States.

37 (b) When the appraiser determines that the landowner
38 applying under this section meets the conditions specified in
39 paragraph (a), the appraiser shall deny application for
40 classification assessment as agricultural property by the
41 landowner for the lengths of time for conditions as follows:

42 1. A minimum period of 2 years for a violation involving
43 the employment of five or fewer persons who are not duly
44 authorized to work by the federal immigration laws or the
45 Attorney General of the United States.

46 2. A period of 5 years for a violation involving the
47 employment of six to 10 persons who are not duly authorized to
48 work by the federal immigration laws or the Attorney General of
49 the United States.

50 3. A period of 10 years for a violation involving the
51 unauthorized employment of more than 10 persons who are not duly
52 authorized to work by the federal immigration laws or the
53 Attorney General of the United States.

54 (c) For the years the land is not assessed as agricultural
55 pursuant to this section, it shall be assessed under s. 193.011.

56 Section 2. Subsection (4) is added to section 448.09,

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57 Florida Statutes, to read:

58 448.09 Unauthorized aliens; employment prohibited.--

59 (4) In addition to any penalty specified in s. 193.461(8),
60 a landowner shall also be subject to a civil fine of \$25,000 for
61 the employment of each person who is not duly authorized to work
62 by the federal immigration laws or the Attorney General of the
63 United States.

64 Section 3. Subsection (42) is added to section 570.07,
65 Florida Statutes, to read:

66 570.07 Department of Agriculture and Consumer Services;
67 functions, powers, and duties.--The department shall have and
68 exercise the following functions, powers, and duties:

69 (42) To provide information for dissemination to all
70 persons who are served by or regulated by the department in its
71 various agricultural capacities in order to foster and encourage
72 compliance with federal work authorization programs. This
73 information shall include the need for compliance both as it
74 relates to those directly employed by those persons and as it
75 relates to those employed by contractors and subcontractors. For
76 the purposes of this subsection, "federal work authorization
77 program" means any program operated by the United States
78 Department of Homeland Security that provides electronic
79 verification of work authorization issued by the United States
80 Bureau of Citizenship and Immigration Services or any equivalent
81 federal work authorization program operated by the United States
82 Department of Homeland Security that provides for the
83 verification of information regarding newly hired employees

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84 under the Immigration Reform and Control Act of 1986, Pub. L.
85 No. 99-603.

86 Section 4. Section 559.7915, Florida Statutes, is created
87 to read:

88 559.7915 Compliance with federal work authorization
89 program; information required for licensure, certification, or
90 registration; unauthorized employment prohibited; penalties.--

91 (1) (a) As a condition of licensure, certification, or
92 registration or renewal of a license, certification, or
93 registration under part III of chapter 450, part I of chapter
94 489, part I of chapter 509, or under chapter 563, chapter 564,
95 or chapter 565, if that person is also applying for or possesses
96 a license under part I of chapter 509, a person applying for a
97 license, certification, or registration shall ensure compliance
98 with a federal work authorization program regarding all
99 employees and shall ensure that any contractors and
100 subcontractors providing services to the applicant register and
101 participate in a federal work authorization program. Proof of
102 compliance shall be by certification by the applicant for all
103 employees and by certification to the applicant by any
104 contractor or subcontractor that the contractor or subcontractor
105 is in compliance.

106 (b) For the purpose of this subsection, "federal work
107 authorization program" means any program operated by the United
108 States Department of Homeland Security that provides electronic
109 verification of work authorization issued by the United States
110 Bureau of Citizenship and Immigration Services or any equivalent
111 federal work authorization program operated by the United States

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112 Department of Homeland Security that provides for the
113 verification of information regarding newly hired employees
114 under the Immigration Reform and Control Act of 1986, Pub. L.
115 No. 99-603.

116 (2) A person applying for a license, certification, or
117 registration or for renewal of a license, certification, or
118 registration, or a person possessing a license, certification or
119 registration under the provisions of law cited in subsection (1)
120 who has been determined to have violated any provision of the
121 federal immigration law by knowingly hiring, recruiting, or
122 referring either for herself or himself or on behalf of another,
123 for private or public employment within the state, a person who
124 is not duly authorized to work by the federal immigration laws
125 or by the United States Attorney General shall constitute
126 grounds for which the disciplinary actions specified in
127 subsection (3) may be taken.

128 (3) When the board, or the department when there is no
129 board, determines that a person applying for or possessing a
130 license, certification, or registration has been determined to
131 meet the conditions specified in subsection (2), it shall enter
132 an order imposing one of the penalties in paragraphs (a)-(d) and
133 imposing the fine in paragraph (e) for penalties imposed under
134 paragraphs (b), (c), or (d):

135 (a) Denial of application for initial or renewal of a
136 license, certification, or registration.

137 (b) Suspension of a license, certification, or
138 registration for a minimum of 2 years for a violation involving
139 the employment of five or fewer persons who are not duly

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140 authorized to work by the federal immigration laws or by the
141 Attorney General of the United States.

142 (c) Suspension of a license, certification, or
143 registration for 5 years for a violation involving the
144 employment of six to ten persons who are not duly authorized to
145 work by the federal immigration laws or by the Attorney General
146 of the United States.

147 (d) Revocation of a license, certification, or
148 registration for a violation involving the unauthorized
149 employment of more than 10 persons who are not duly authorized
150 to work by the federal immigration laws or by the Attorney
151 General of the United States.

152 (e) Imposition of an administrative fine of \$25,000 for
153 each person who is not duly authorized to work by the federal
154 immigration laws or by the Attorney General of the United
155 States.

156 Section 5. This act shall take effect January 1, 2008.