

By Senator Fasano

11-1350A-07

See HB 119

1 A bill to be entitled

2 An act relating to unauthorized employment;

3 amending s. 193.461, F.S.; requiring denial of

4 agricultural classification and assessment for

5 specified time periods under circumstances

6 involving employment of unauthorized aliens;

7 requiring alternative assessment for specified

8 time; amending s. 448.09, F.S.; providing an

9 additional civil penalty for employment of

10 unauthorized aliens; amending s. 570.07, F.S.;

11 requiring the dissemination of information

12 concerning compliance with federal work

13 authorization programs; providing a definition;

14 creating s. 559.7915, F.S.; requiring

15 information demonstrating compliance with

16 federal work authorization program as condition

17 of licensure, certification, or registration;

18 providing a definition; prohibiting

19 unauthorized employment; establishing grounds

20 for disciplinary action by the Department of

21 Business and Professional Regulation; providing

22 penalties; providing an effective date.

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

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

28 193.461 Agricultural lands; classification and

29 assessment; mandated eradication or quarantine program;

30 unauthorized employment prohibited; penalties.--

1 (8)(a) No lands shall be classified as agricultural
2 lands for the length of time specified in paragraph (b) if the
3 landowner has been determined to have violated any provision
4 of the federal immigration law by knowingly hiring,
5 recruiting, or referring either for herself or himself or on
6 behalf of another, for private or public employment within the
7 state, whether through direct employment or through a
8 contractor or subcontractor, a person who is not duly
9 authorized to work by the federal immigration laws or the
10 Attorney General of the United States.

11 (b) When the appraiser determines that the landowner
12 applying under this section meets the conditions specified in
13 paragraph (a), the appraiser shall deny application for
14 classification assessment as agricultural property by the
15 landowner for the lengths of time for conditions as follows:

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

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

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

28 (c) For the years the land is not assessed as
29 agricultural pursuant to this section, it shall be assessed
30 under s. 193.011.
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1 Section 2. Subsection (4) is added to section 448.09,
2 Florida Statutes, to read:

3 448.09 Unauthorized aliens; employment prohibited.--

4 (4) In addition to any penalty specified in s.
5 193.461(8), a landowner shall also be subject to a civil fine
6 of \$25,000 for the employment of each person who is not duly
7 authorized to work by the federal immigration laws or the
8 Attorney General of the United States.

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

11 570.07 Department of Agriculture and Consumer

12 Services; functions, powers, and duties.--The department shall
13 have and exercise the following functions, powers, and duties:

14 (42) To provide information for dissemination to all
15 persons who are served by or regulated by the department in
16 its various agricultural capacities in order to foster and
17 encourage compliance with federal work authorization programs.
18 This information shall include the need for compliance both as
19 it relates to those directly employed by those persons and as
20 it relates to those employed by contractors and
21 subcontractors. For the purposes of this subsection, "federal
22 work authorization program" means any program operated by the
23 United States Department of Homeland Security that provides
24 electronic verification of work authorization issued by the
25 United States Bureau of Citizenship and Immigration Services
26 or any equivalent federal work authorization program operated
27 by the United States Department of Homeland Security that
28 provides for the verification of information regarding newly
29 hired employees under the Immigration Reform and Control Act
30 of 1986, Pub. L. No. 99-603.

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1 Section 4. Section 559.7915, Florida Statutes, is
2 created to read:

3 559.7915 Compliance with federal work authorization
4 program; information required for licensure, certification, or
5 registration; unauthorized employment prohibited; penalties.--

6 (1)(a) As a condition of licensure, certification, or
7 registration or renewal of a license, certification, or
8 registration under part III of chapter 450, part I of chapter
9 489, part I of chapter 509, or under chapter 563, chapter 564,
10 or chapter 565, if that person is also applying for or
11 possesses a license under part I of chapter 509, a person
12 applying for a license, certification, or registration shall
13 ensure compliance with a federal work authorization program
14 regarding all employees and shall ensure that any contractors
15 and subcontractors providing services to the applicant
16 register and participate in a federal work authorization
17 program. Proof of compliance shall be by certification by the
18 applicant for all employees and by certification to the
19 applicant by any contractor or subcontractor that the
20 contractor or subcontractor is in compliance.

21 (b) For the purpose of this subsection, "federal work
22 authorization program" means any program operated by the
23 United States Department of Homeland Security that provides
24 electronic verification of work authorization issued by the
25 United States Bureau of Citizenship and Immigration Services
26 or any equivalent federal work authorization program operated
27 by the United States Department of Homeland Security that
28 provides for the verification of information regarding newly
29 hired employees under the Immigration Reform and Control Act
30 of 1986, Pub. L. No. 99-603.

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1 (2) A person applying for a license, certification, or
2 registration or for renewal of a license, certification, or
3 registration, or a person possessing a license, certification
4 or registration under the provisions of law cited in
5 subsection (1) who has been determined to have violated any
6 provision of the federal immigration law by knowingly hiring,
7 recruiting, or referring either for herself or himself or on
8 behalf of another, for private or public employment within the
9 state, a person who is not duly authorized to work by the
10 federal immigration laws or by the United States Attorney
11 General shall constitute grounds for which the disciplinary
12 actions specified in subsection (3) may be taken.

13 (3) When the board, or the department when there is no
14 board, determines that a person applying for or possessing a
15 license, certification, or registration has been determined to
16 meet the conditions specified in subsection (2), it shall
17 enter an order imposing one of the penalties in paragraphs
18 (a)-(d) and imposing the fine in paragraph (e) for penalties
19 imposed under paragraphs (b), (c), or (d):

20 (a) Denial of application for initial or renewal of a
21 license, certification, or registration.

22 (b) Suspension of a license, certification, or
23 registration for a minimum of 2 years for a violation
24 involving the employment of five or fewer persons who are not
25 duly authorized to work by the federal immigration laws or by
26 the Attorney General of the United States.

27 (c) Suspension of a license, certification, or
28 registration for 5 years for a violation involving the
29 employment of six to ten persons who are not duly authorized
30 to work by the federal immigration laws or by the Attorney
31 General of the United States.

1 (d) Revocation of a license, certification, or
2 registration for a violation involving the unauthorized
3 employment of more than 10 persons who are not duly authorized
4 to work by the federal immigration laws or by the Attorney
5 General of the United States.

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

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

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