

1 A bill to be entitled
 2 An act relating to state contracting; creating s.
 3 287.0575, F.S.; providing definitions; prohibiting
 4 agencies from entering into contracts for commodities or
 5 services with contractors not registered or participating
 6 in a federal work authorization program; requiring
 7 contractors and their subcontractors to participate in a
 8 federal work authorization program; providing for phased
 9 compliance with requirements; creating s. 337.163, F.S.;
 10 providing definitions; prohibiting the Department of
 11 Transportation from entering into construction and
 12 maintenance contracts with contractors not registered or
 13 participating in a federal work authorization program;
 14 requiring contractors and their subcontractors to
 15 participate in a federal work authorization program;
 16 providing for phased compliance with requirements;
 17 providing an effective date.

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

20
 21 Section 1. Section 287.0575, Florida Statutes, is created
 22 to read:

23 287.0575 Compliance with federal work authorization
 24 program.--

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

26 (a) "Federal work authorization program" means any program
 27 operated by the United States Department of Homeland Security
 28 that provides electronic verification of work authorization

29 issued by the United States Bureau of Citizenship and
30 Immigration Services or any equivalent federal work
31 authorization program operated by the United States Department
32 of Homeland Security that provides for the verification of
33 information regarding newly hired employees under the
34 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.

35 (b) "Subcontractor" means any entity providing services
36 for a contractor, whether as subcontractor, contract employee,
37 staffing agency, or other entity, regardless of the level of
38 subcontracting duties, if the services provided are related to
39 the contractor's contract with an agency.

40 (2) No agency shall enter into a contract for commodities
41 or services under s. 287.057 unless the contractor registers and
42 participates in a federal work authorization program.

43 (3) No contractor who receives an award under s. 287.057
44 shall execute a contract, purchase order, or subcontract in
45 connection with the award unless the contractor and all
46 subcontractors providing services for the contractor register
47 and participate in a federal work authorization program. The
48 contractor shall certify in writing to the agency that it is in
49 compliance with this subsection.

50 (4) A contractor shall ensure that each subcontractor
51 providing services for the contractor registers and participates
52 in a federal work authorization program. Each subcontractor
53 shall certify in writing to the contractor that it is in
54 compliance with this subsection.

55 (5) Subsections (2) through (4) shall apply:

56 (a) On or after July 1, 2008, to contractors and
57 subcontractors having 500 or more employees.

58 (b) On or after July 1, 2009, to contractors and
59 subcontractors having 100 or more employees.

60 (c) On or after July 1, 2010, to all contractors and
61 subcontractors.

62 (6) This section shall be enforced without regard to race,
63 religion, gender, ethnicity, or national origin.

64 Section 2. Section 337.163, Florida Statutes, is created
65 to read:

66 337.163 Compliance with federal work authorization
67 program.--

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

69 (a) "Federal work authorization program" means any program
70 operated by the United States Department of Homeland Security
71 that provides electronic verification of work authorization
72 issued by the United States Bureau of Citizenship and
73 Immigration Services or any equivalent federal work
74 authorization program operated by the United States Department
75 of Homeland Security that provides for the verification of
76 information regarding newly hired employees under the
77 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603.

78 (b) "Subcontractor" means any entity providing services
79 for a contractor, whether as subcontractor, contract employee,
80 staffing agency, or other entity, regardless of the level of
81 subcontracting duties, if the services provided are related to
82 the contractor's contract with the department.

83 (2) The department may not enter into a contract under s.
84 337.11 in excess of the threshold amount provided in s. 287.017
85 for CATEGORY TWO unless the contractor registers and
86 participates in a federal work authorization program.

87 (3) No contractor who receives an award under s. 337.11
88 for a contract in excess of the threshold amount provided in s.
89 287.017 for CATEGORY TWO shall execute a contract, purchase
90 order, or subcontract in connection with the award unless the
91 contractor and all subcontractors providing services for the
92 contractor register and participate in a federal work
93 authorization program. The contractor shall certify in writing
94 to the department that it is in compliance with this subsection.

95 (4) A contractor shall ensure that each subcontractor
96 providing services for the contractor registers and participates
97 in a federal work authorization program. Each subcontractor
98 shall certify in writing to the contractor that it is in
99 compliance with this subsection.

100 (5) Subsections (2) through (4) shall apply:

101 (a) On or after July 1, 2008, to contractors and
102 subcontractors having 500 or more employees.

103 (b) On or after July 1, 2009, to contractors and
104 subcontractors having 100 or more employees.

105 (c) On or after July 1, 2010, to all contractors and
106 subcontractors.

107 (6) This section shall be enforced without regard to race,
108 religion, gender, ethnicity, or national origin.

109 Section 3. This act shall take effect July 1, 2007.