

1 A bill to be entitled
2 An act relating to immigration; creating s. 287.0575,
3 F.S.; providing definitions; prohibiting agencies from
4 entering into a contract for contractual services with
5 contractors not registered and participating in a federal
6 work authorization program by a specified date; providing
7 procedures and requirements with respect to the
8 registration of contractors and subcontractors; providing
9 for enforcement; providing a schedule for phased
10 compliance; requiring the Department of Management
11 Services to promulgate rules; specifying causes of action
12 for which a contractor or subcontractor registered with
13 and participating in a federal work authorization program
14 may not be held civilly liable; creating s. 337.163, F.S.;
15 providing definitions; prohibiting the Department of
16 Transportation from entering into a contract for
17 contractual services with contractors not registered and
18 participating in a federal work authorization program by a
19 specified date; providing procedures and requirements with
20 respect to the registration of contractors and
21 subcontractors; providing for enforcement; providing a
22 schedule for phased compliance; requiring the department
23 to promulgate rules; specifying causes of action for which
24 a contractor or subcontractor registered with and
25 participating in a federal work authorization program may
26 not be held civilly liable; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 287.0575, Florida Statutes, is created
31 to read:

32 287.0575 Compliance with federal work authorization
33 programs.—

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

35 (a) "Federal work authorization program" means any program
36 operated by the United States Department of Homeland Security
37 that provides electronic verification of work authorization
38 issued by the United States Citizenship and Immigration Services
39 or any equivalent federal work authorization program operated by
40 the United States Department of Homeland Security that provides
41 for the verification of information regarding newly hired
42 employees under the Immigration Reform and Control Act of 1986,
43 Pub. L. No. 99-603.

44 (b) "Subcontractor" means a person who enters into a
45 contract with a contractor for the performance of any part of
46 such contractor's contract.

47 (2) An agency may not enter into a contract under s.
48 287.057 for contractual services unless the contractor registers
49 and participates in a federal work authorization program.

50 (3) A contractor who receives a contract award under s.
51 287.057 for contractual services may not execute a contract,
52 purchase order, or subcontract in connection with the award
53 unless the contractor and all subcontractors providing services
54 for the contractor register and participate in a federal work
55 authorization program. The contractor shall certify in writing
56 to the agency that it is in compliance with this subsection.

57 (4) A contractor shall ensure that each subcontractor
58 providing services for the contractor registers and participates
59 in a federal work authorization program. Each subcontractor
60 shall certify in writing to the contractor that it is in
61 compliance with this subsection.

62 (5) Subsections (2), (3), and (4) shall apply as follows:

63 (a) On or after July 1, 2011, with respect to contractors
64 or subcontractors employing 500 or more employees.

65 (b) On or after July 1, 2012, with respect to contractors
66 or subcontractors employing 100 or more employees.

67 (c) On or after July 1, 2013, with respect to all
68 contractors or subcontractors.

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

71 (7) The department shall promulgate rules to provide a
72 process of verification of compliance with a federal work
73 authorization program.

74 (8) A contractor or subcontractor registered with and
75 participating in a federal work authorization program may not be
76 held civilly liable in a cause of action for the contractor's or
77 subcontractor's:

78 (a) Unlawful hiring of an unauthorized alien, as defined
79 in 8 U.S.C. s. 1324a, if the information obtained in accordance
80 with the status verification system indicated that the
81 employee's federal legal status allowed the contractor or
82 subcontractor to hire the employee; or

83 (b) Refusal to hire an individual if the information
84 obtained in accordance with the status verification system

85 indicated that the individual's federal legal status was that of
86 an unauthorized alien as defined in 8 U.S.C. s. 1324a.

87 Section 2. Section 337.163, Florida Statutes, is created
88 to read:

89 337.163 Compliance with federal work authorization
90 program.—

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

92 (a) "Federal work authorization program" means any program
93 operated by the United States Department of Homeland Security
94 that provides electronic verification of work authorization
95 issued by the United States Citizenship and Immigration Services
96 or any equivalent federal work authorization program operated by
97 the United States Department of Homeland Security that provides
98 for the verification of information regarding newly hired
99 employees under the Immigration Reform and Control Act of 1986,
100 Pub. L. No. 99-603.

101 (b) "Subcontractor" means a person who enters into a
102 contract with a contractor for the performance of any part of
103 such contractor's contract.

104 (2) The department may not enter into a contract under
105 this chapter for contractual services unless the contractor
106 registers and participates in a federal work authorization
107 program.

108 (3) A contractor who receives a contract award under this
109 chapter for contractual services may not execute a contract,
110 purchase order, or subcontract in connection with the award
111 unless the contractor and all subcontractors providing services
112 for the contractor register and participate in a federal work

113 authorization program. The contractor shall certify in writing
114 to the department that it is in compliance with this subsection.

115 (4) A contractor shall ensure that each subcontractor
116 providing services for the contractor registers and participates
117 in a federal work authorization program. Each subcontractor
118 shall certify in writing to the contractor that it is in
119 compliance with this subsection.

120 (5) Subsections (2), (3), and (4) shall apply as follows:

121 (a) On or after July 1, 2011, with respect to contractors
122 or subcontractors employing 500 or more employees.

123 (b) On or after July 1, 2012, with respect to contractors
124 or subcontractors employing 100 or more employees.

125 (c) On or after July 1, 2013, with respect to all
126 contractors or subcontractors.

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

129 (7) The department shall promulgate rules to provide a
130 process of verification of compliance with a federal work
131 authorization program.

132 (8) A contractor or subcontractor registered with and
133 participating in a federal work authorization program may not be
134 held civilly liable in a cause of action for the contractor's or
135 subcontractor's:

136 (a) Unlawful hiring of an unauthorized alien, as defined
137 in 8 U.S.C. s. 1324a, if the information obtained in accordance
138 with the status verification system indicated that the
139 employee's federal legal status allowed the contractor or
140 subcontractor to hire the employee; or

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141 (b) Refusal to hire an individual if the information
142 obtained in accordance with the status verification system
143 indicated that the individual's federal legal status was that of
144 an unauthorized alien as defined in 8 U.S.C. s. 1324a.

145 Section 3. This act shall take effect July 1, 2010.