

1 A bill to be entitled
2 An act relating to immigration status and employment
3 eligibility; amending s. 20.60, F.S.; revising the
4 duties and responsibilities of the Office of Economic
5 Accountability and Transparency within the Department
6 of Commerce; amending s. 448.09, F.S.; revising
7 penalties, including suspension and revocation of
8 certain licenses and the imposition of fines, for
9 violating provisions related to employing unauthorized
10 aliens; requiring that such fines be deposited into a
11 specified trust fund; conforming provisions to changes
12 made by the act; providing increased penalties,
13 including suspension and revocation of certain
14 licenses and the imposition of fines, for violating
15 provisions related to employing unauthorized aliens
16 where specified injury or death occurs; requiring that
17 such fines be deposited into a specified trust fund;
18 amending s. 448.095, F.S.; revising the definition of
19 the term "employee"; requiring that all private
20 employers, rather than only those employing a
21 specified number or more of employees, use the E-
22 Verify system to verify a new employee's employment
23 eligibility; prohibiting the awarding of future public
24 contracts by any public agency in this state to
25 specified contractors; requiring that certain fines be

26 deposited into a specified trust fund; conforming
 27 provisions to changes made by the act; amending s.
 28 908.104, F.S.; authorizing law enforcement agencies to
 29 use the E-Verify system to investigate a detained
 30 person's immigration status; providing an effective
 31 date.

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

34

35 **Section 1. Paragraph (a) of subsection (3) of section**
 36 **20.60, Florida Statutes, is amended to read:**

37 20.60 Department of Commerce; creation; powers and
 38 duties.—

39 (3) (a) The following divisions and offices of the
 40 Department of Commerce are established:

- 41 1. The Division of Economic Development.
- 42 2. The Division of Community Development.
- 43 3. The Division of Workforce Services.
- 44 4. The Division of Finance and Administration.
- 45 5. The Division of Information Technology.
- 46 6. The Office of the Secretary.
- 47 7. The Office of Economic Accountability and Transparency,

48 which shall:

- 49 a. Oversee the department's critical objectives as
- 50 determined by the secretary and make sure that the department's

51 key objectives are clearly communicated to the public.

52 b. Organize department resources, expertise, data, and
53 research to focus on and solve the complex economic challenges
54 facing the state.

55 c. Provide leadership for the department's priority issues
56 that require integration of policy, management, and critical
57 objectives from multiple programs and organizations internal and
58 external to the department; and organize and manage external
59 communication on such priority issues.

60 d. Promote and facilitate key department initiatives to
61 address priority economic issues and explore data and identify
62 opportunities for innovative approaches to address such economic
63 issues.

64 e. Promote strategic planning for the department.

65 f. Administer and enforce the E-Verify system and
66 employment authorization compliance as set forth in ss. 448.09
67 and 448.095.

68 **Section 2. Present subsection (5) of section 448.09,**
69 **Florida Statutes, is redesignated as subsection (8), new**
70 **subsections (5), (6), and (7) are added to that section, and**
71 **present subsections (3) and (4) of that section are amended, to**
72 **read:**

73 448.09 Unauthorized aliens; employment prohibited.—

74 (3) For an employer that violates this section, the
75 department shall suspend or revoke all licenses issued by a

76 licensing agency pursuant to chapter 120 for 1 year and impose a
77 fine not to exceed \$10,000. Fines must be deposited in the
78 Florida Highway Patrol Safety Operating Trust Fund ~~For a~~
79 ~~violation of this section, the department shall place the~~
80 ~~employer on probation for a 1-year period and require that the~~
81 ~~employer report quarterly to the department to demonstrate~~
82 ~~compliance with the requirements of subsection (1) and s.~~
83 ~~448.095.~~

84 (4) For an employer that subsequently violates this
85 section, the department shall suspend or revoke all licenses
86 issued by a licensing agency pursuant to chapter 120 for 5 years
87 and impose a fine not to exceed \$50,000. Fines must be deposited
88 in the Florida Highway Patrol Safety Operating Trust Fund ~~Any~~
89 ~~violation of this section which takes place within 24 months~~
90 ~~after a previous violation constitutes grounds for the~~
91 ~~suspension or revocation of all licenses issued by a licensing~~
92 ~~agency subject to chapter 120. The department shall take the~~
93 ~~following actions for a violation involving:~~

94 ~~(a) One to ten unauthorized aliens, suspension of all~~
95 ~~applicable licenses held by a private employer for up to 30 days~~
96 ~~by the respective agencies that issued them.~~

97 ~~(b) Eleven to fifty unauthorized aliens, suspension of all~~
98 ~~applicable licenses held by a private employer for up to 60 days~~
99 ~~by the respective agencies that issued them.~~

100 ~~(c) More than fifty unauthorized aliens, revocation of all~~

101 ~~applicable licenses held by a private employer by the respective~~
102 ~~agencies that issued them.~~

103 (5) For an employer that violates this section a third
104 time, the department shall permanently revoke all licenses
105 issued by a licensing agency pursuant to chapter 120 and impose
106 a fine not to exceed \$250,000. Fines must be deposited in the
107 Florida Highway Patrol Safety Operating Trust Fund.

108 (6) For an employer that violates this section, and an
109 unauthorized alien employee's actions result in injuries to
110 another person, the department shall suspend or revoke all
111 licenses issued by a licensing agency pursuant to chapter 120
112 for 5 years and impose a fine not to exceed \$100,000. Fines must
113 be deposited in the Florida Highway Patrol Safety Operating
114 Trust Fund.

115 (7) For an employer that violates this section, and an
116 unauthorized alien employee's actions result in the death of
117 another person, the department shall permanently revoke all
118 licenses issued by a licensing agency pursuant to chapter 120
119 and impose a fine not to exceed \$500,000. Fines must be
120 deposited in the Florida Highway Patrol Safety Operating Trust
121 Fund.

122 **Section 3. Paragraph (b) of subsection (1), paragraph (b)**
123 **of subsection (2), paragraph (c) of subsection (5), and**
124 **subsection (6) of section 448.095, Florida Statutes, are amended**
125 **to read:**

126 448.095 Employment eligibility.—

127 (1) DEFINITIONS.—As used in this section, the term:

128 (b) "Employee" means an individual filling a ~~permanent~~

129 position who performs labor or services under the control or

130 direction of an employer that has the power or right to control

131 and direct the employee in the material details of how the work

132 is to be performed in exchange for salary, wages, or other

133 remuneration. The term also includes labor that is occasional,

134 incidental, or irregular, that exceeds 40 person-hours in total

135 duration. As used in this subsection, the term "duration" means

136 the period of time from the commencement to the completion of

137 the particular job or project. An individual hired for casual

138 labor, as defined in s. 443.036, which is to be performed

139 entirely within a private residence, is ~~not~~ an employee of an

140 occupant or owner of a private residence. An independent

141 contractor, as defined in federal laws or regulations, hired to

142 perform a specified portion of labor or services is ~~not~~ an

143 employee. For the purposes of this section, an individual who

144 receives a Form 1099 from the Internal Revenue Service is an

145 employee.

146 (2) EMPLOYMENT VERIFICATION.—

147 (b)1. A public agency shall use the E-Verify system to

148 verify a new employee's employment eligibility as required under

149 paragraph (a).

150 2. Beginning on July 1, 2025 ~~2023~~, all ~~a~~ private employers

151 ~~employer with 25 or more employees~~ shall use the E-Verify system
152 to verify a new employee's employment eligibility as required
153 under paragraph (a).

154 3. Each employer ~~required to use the E-Verify system under~~
155 ~~this paragraph~~ must certify on its first return each calendar
156 year to the tax service provider that it is in compliance with
157 this section when making contributions to or reimbursing the
158 state's unemployment compensation or reemployment assistance
159 system. ~~An employer that voluntarily uses the E-Verify system~~
160 ~~may also make such a certification on its first return each~~
161 ~~calendar year in order to document such use.~~

162 (5) PUBLIC AGENCY CONTRACTING.—

163 (c)1. A public agency, contractor, or subcontractor who
164 has a good faith belief that a person or an entity with which it
165 is contracting has knowingly violated s. 448.09(1) shall
166 terminate the contract with the person or entity.

167 2. A public agency that has a good faith belief that a
168 subcontractor knowingly violated this subsection, but the
169 contractor otherwise complied with this subsection, shall
170 promptly notify the contractor and order the contractor to
171 immediately terminate the contract with the subcontractor.

172 3. A contract terminated under this paragraph is not a
173 breach of contract and may not be considered as such. If a
174 public agency terminates a contract with a contractor under this
175 paragraph, the contractor may not be awarded any public contract

176 in the future with any public agency in this state ~~a public~~
177 ~~contract for at least 1 year after the date on which the~~
178 ~~contract was terminated.~~ A contractor is liable for any
179 additional costs incurred by a public agency as a result of the
180 termination of a contract.

181 (6) COMPLIANCE.—

182 (a) In addition to the requirements under s. 288.061(6),
183 beginning on July 1, 2024, for public agencies or on July 1,
184 2025, for private employers, if the Department of Commerce
185 determines that an employer failed to use the E-Verify system to
186 verify the employment eligibility of employees as required under
187 this section, the department must notify the employer of the
188 department's determination of noncompliance and provide the
189 employer with 30 days to cure the noncompliance.

190 (b) If the Department of Commerce determines that an
191 employer failed to use the E-Verify system as required under
192 this section three times in any 24-month period, the department
193 must impose a fine of \$1,000 per day until the employer provides
194 sufficient proof to the department that the noncompliance is
195 cured. Noncompliance constitutes grounds for the suspension of
196 all licenses issued by a licensing agency subject to chapter 120
197 until the noncompliance is cured.

198 (c) Fines collected under this subsection must be
199 deposited into the Florida Highway Patrol Safety Operating Trust
200 Fund ~~State Economic Enhancement and Development Trust Fund for~~

201 ~~use by the department for employer outreach and public notice of~~
202 ~~the state's employment verification laws.~~

203 **Section 4. Present paragraphs (a) through (f) of**
204 **subsection (2) of section 908.104, Florida Statutes, are**
205 **redesignated as paragraphs (b) through (g), respectively, and a**
206 **new paragraph (a) is added to that subsection, to read:**

207 908.104 Cooperation with federal immigration authorities.—

208 (2) Except as otherwise expressly prohibited by federal
209 law, a state entity, local governmental entity, or law
210 enforcement agency, or an employee, an agent, or a
211 representative of the entity or agency, may not prohibit or in
212 any way restrict a law enforcement agency from taking any of the
213 following actions with respect to information regarding a
214 person's immigration status:

215 (a) Using the E-Verify system to investigate a detained
216 person's immigration status.

217 **Section 5. This act shall take effect July 1, 2025.**