

By Senator Pizzo

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1 A bill to be entitled
2 An act relating to immigration; amending s. 20.60,
3 F.S.; revising the duties and responsibilities of the
4 Office of Economic Accountability and Transparency
5 within the Department of Commerce; amending s. 448.09,
6 F.S.; revising penalties, including suspension and
7 revocation of certain licenses and the imposition of
8 fines, for violating provisions related to employing
9 unauthorized aliens; requiring that such fines be
10 deposited into a specified trust fund; conforming
11 provisions to changes made by the act; providing
12 increased penalties, including suspension and
13 revocation of certain licenses and the imposition of
14 fines, for violating provisions related to employing
15 unauthorized aliens where specified injury or death
16 occurs; requiring that such fines be deposited into a
17 specified trust fund; amending s. 448.095, F.S.;
18 revising the definition of the term "employee";
19 requiring that all private employers, rather than only
20 those employing a specified number or more of
21 employees, use the E-Verify system to verify a new
22 employee's employment eligibility; prohibiting the
23 awarding of future public contracts by any public
24 agency in this state to specified contractors;
25 requiring that certain fines be deposited into a
26 specified trust fund; conforming provisions to changes
27 made by the act; amending s. 908.104, F.S.;
28 authorizing law enforcement agencies to use the E-
29 Verify system to investigate a detained person's

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30 immigration status; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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

36 20.60 Department of Commerce; creation; powers and duties.-

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

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

46 which shall:

47 a. Oversee the department's critical objectives as
48 determined by the secretary and make sure that the department's
49 key objectives are clearly communicated to the public.

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

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

58 d. Promote and facilitate key department initiatives to

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59 address priority economic issues and explore data and identify
60 opportunities for innovative approaches to address such economic
61 issues.

62 e. Promote strategic planning for the department.

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

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

71 448.09 Unauthorized aliens; employment prohibited.—

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

82 (4) For an employer that subsequently violates this
83 section, the department shall suspend or revoke all licenses
84 issued by a licensing agency pursuant to chapter 120 for 5 years
85 and impose a fine not to exceed \$50,000. Fines must be deposited
86 in the Florida Highway Patrol Safety Operating Trust Fund ~~Any~~
87 ~~violation of this section which takes place within 24 months~~

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88 ~~after a previous violation constitutes grounds for the~~
89 ~~suspension or revocation of all licenses issued by a licensing~~
90 ~~agency subject to chapter 120. The department shall take the~~
91 ~~following actions for a violation involving:~~

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

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

98 ~~(c) More than fifty unauthorized aliens, revocation of all~~
99 ~~applicable licenses held by a private employer by the respective~~
100 ~~agencies that issued them.~~

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

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

113 (7) For an employer that violates this section, and an
114 unauthorized alien employee's actions result in the death of
115 another person, the department shall permanently revoke all
116 licenses issued by a licensing agency pursuant to chapter 120

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117 and impose a fine not to exceed \$500,000. Fines must be
118 deposited in the Florida Highway Patrol Safety Operating Trust
119 Fund.

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

124 448.095 Employment eligibility.—

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

126 (b) "Employee" means an individual filling a ~~permanent~~
127 position who performs labor or services under the control or
128 direction of an employer that has the power or right to control
129 and direct the employee in the material details of how the work
130 is to be performed in exchange for salary, wages, or other
131 remuneration. The term also includes labor that is occasional,
132 incidental, or irregular, that exceeds 40 person-hours in total
133 duration. As used in this subsection, the term "duration" means
134 the period of time from the commencement to the completion of
135 the particular job or project. An individual hired for casual
136 labor, as defined in s. 443.036, which is to be performed
137 entirely within a private residence, is ~~not~~ an employee of an
138 occupant or owner of a private residence. An independent
139 contractor, as defined in federal laws or regulations, hired to
140 perform a specified portion of labor or services is ~~not~~ an
141 employee. For the purposes of this section, an individual who
142 receives a Form 1099 from the Internal Revenue Service is an
143 employee.

144 (2) EMPLOYMENT VERIFICATION.—

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

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146 verify a new employee's employment eligibility as required under
147 paragraph (a).

148 2. Beginning on July 1, 2025 ~~2023~~, all a private employers
149 ~~employer with 25 or more employees~~ shall use the E-Verify system
150 to verify a new employee's employment eligibility as required
151 under paragraph (a).

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

160 (5) PUBLIC AGENCY CONTRACTING.—

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

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

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

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

179 (6) COMPLIANCE.—

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

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

196 (c) Fines collected under this subsection must be deposited
197 into the Florida Highway Patrol Safety Operating Trust Fund
198 ~~State Economic Enhancement and Development Trust Fund for use by~~
199 ~~the department for employer outreach and public notice of the~~
200 ~~state's employment verification laws.~~

201 Section 4. Present paragraphs (a) through (f) of subsection
202 (2) of section 908.104, Florida Statutes, are redesignated as
203 paragraphs (b) through (g), respectively, and a new paragraph

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204 (a) is added to that subsection, to read:
205 908.104 Cooperation with federal immigration authorities.—
206 (2) Except as otherwise expressly prohibited by federal
207 law, a state entity, local governmental entity, or law
208 enforcement agency, or an employee, an agent, or a
209 representative of the entity or agency, may not prohibit or in
210 any way restrict a law enforcement agency from taking any of the
211 following actions with respect to information regarding a
212 person's immigration status:
213 (a) Using the E-Verify system to investigate a detained
214 person's immigration status.
215 Section 5. This act shall take effect July 1, 2025.