

By Senator Pizzo

37-01547A-26

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A bill to be entitled

An act relating to immigration; amending s. 20.60, F.S.; revising the duties and responsibilities of the Office of Economic Accountability and Transparency within the Department of Commerce; amending s. 448.09, F.S.; revising penalties, including suspension and revocation of certain licenses and the imposition of fines, for violating provisions related to employing unauthorized aliens; requiring that such fines be deposited into a specified trust fund; conforming provisions to changes made by the act; providing increased penalties, including suspension and permanent revocation of certain licenses and the imposition of fines, for violating provisions related to employing unauthorized aliens if such an employee's actions result in specified injuries or death; requiring that such fines be deposited into a specified trust fund; amending s. 448.095, F.S.; revising the definition of the term "employee"; providing that an individual who receives a Form 1099 from his or her employer is an employee; requiring that all private employers, rather than only those employing a specified number or more of employees, use the E-Verify system to verify a new employee's employment eligibility; prohibiting the awarding of future public contracts by any public agency in this state to specified contractors; requiring that certain fines be deposited into a specified trust fund; conforming provisions to changes made by the act;

37-01547A-26

20261542__

amending s. 908.104, F.S.; authorizing law enforcement agencies to use the E-Verify system to investigate a detained person's immigration status; reenacting s. 163.3162(2)(g), F.S., relating to agricultural lands and practices, to incorporate the amendment made to s. 448.095, F.S., in a reference thereto; providing an effective date.

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

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

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

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

1. The Division of Economic Development.
2. The Division of Community Development.
3. The Division of Workforce Services.
4. The Division of Finance and Administration.
5. The Division of Information Technology.
6. The Office of the Secretary.
7. The Office of Economic Accountability and Transparency,

which shall:

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

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

37-01547A-26

20261542__

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

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

e. Promote strategic planning for the department.

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

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

448.09 Unauthorized aliens; employment prohibited.—

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

(4) For an employer that violates this section a second time, the department shall suspend or revoke all licenses issued

37-01547A-26

20261542__

88 by a licensing agency pursuant to chapter 120 for 5 years and
89 impose a fine not to exceed \$50,000. Fines must be deposited in
90 the Highway Safety Operating Trust Fund ~~Any violation of this~~
91 ~~section which takes place within 24 months after a previous~~
92 ~~violation constitutes grounds for the suspension or revocation~~
93 ~~of all licenses issued by a licensing agency subject to chapter~~
94 ~~120. The department shall take the following actions for a~~
95 ~~violation involving:~~

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

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

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

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

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

116 (7) If, for an employer that violates this section, an

37-01547A-26

20261542__

117 unauthorized alien employee's actions result in the death of
118 another person, the department must permanently revoke all
119 licenses issued by a licensing agency pursuant to chapter 120
120 and impose a fine not to exceed \$500,000. Fines must be
121 deposited in the Highway Safety Operating Trust 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 and that exceeds 40 person-hours in
135 total duration. As used in this subsection, the term "duration"
136 means the period of time from the commencement to the completion
137 of 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 the ~~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 his or her employer is an employee.

145 (2) EMPLOYMENT VERIFICATION.—

37-01547A-26

20261542__

146 (b)1. A public agency shall use the E-Verify system to
147 verify a new employee's employment eligibility as required under
148 paragraph (a).

149 2. Beginning on July 1, 2026 ~~2023~~, all a private employers
150 ~~employer with 25 or more employees~~ shall use the E-Verify system
151 to verify a new employee's employment eligibility as required
152 under paragraph (a).

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

162 (5) PUBLIC AGENCY CONTRACTING.—

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

37-01547A-26

20261542__

paragraph, the contractor may not be awarded any public contract
in the future with any public agency in this state ~~a public~~
~~contract for at least 1 year after the date on which the~~
~~contract was terminated~~. A contractor is liable for any
additional costs incurred by a public agency as a result of the
termination of a contract.

(6) COMPLIANCE.—

(a) In addition to the requirements under s. 288.061(6),
beginning on July 1, 2024, for public agencies or beginning on
July 1, 2026, for private employers, if the Department of
Commerce determines that an employer failed to use the E-Verify
system to verify the employment eligibility of employees as
required under this section, the department must notify the
employer of the department's determination of noncompliance and
provide the employer with 30 days to cure the noncompliance.

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

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

Section 4. Present paragraphs (a) through (f) of subsection

37-01547A-26

20261542__

(2) of section 908.104, Florida Statutes, are redesignated as paragraphs (b) through (g), respectively, and a new paragraph (a) is added to that subsection, to read:

908.104 Cooperation with federal immigration authorities.—

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

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

Section 5. For the purpose of incorporating the amendment made by this act to section 448.095, Florida Statutes, in a reference thereto, paragraph (g) of subsection (2) of section 163.3162, Florida Statutes, is reenacted to read:

163.3162 Agricultural lands and practices.—

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

(g) "Legally verified agricultural worker" means a person who:

1. Is lawfully present in the United States;
2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;
3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;
4. Is seasonally or annually employed in bona fide agricultural production;
5. Remains lawfully present and authorized to work

37-01547A-26

20261542__

233 throughout the duration of that employment; and

234 6. Is not an unauthorized alien as defined in s.

235 448.095(1).

236 Section 6. This act shall take effect July 1, 2026.