

By Senator Pizzo

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30 amending s. 908.104, F.S.; authorizing law enforcement
31 agencies to use the E-Verify system to investigate a
32 detained person's immigration status; reenacting s.
33 163.3162(2)(g), F.S., relating to agricultural lands
34 and practices, to incorporate the amendment made to s.
35 448.095, F.S., in a reference thereto; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Paragraph (a) of subsection (3) of section
41 20.60, Florida Statutes, is amended to read:

42 20.60 Department of Commerce; creation; powers and duties.—
43 (3)(a) The following divisions and offices of the

44 Department of Commerce are established:

45 1. The Division of Economic Development.
46 2. The Division of Community Development.
47 3. The Division of Workforce Services.
48 4. The Division of Finance and Administration.
49 5. The Division of Information Technology.
50 6. The Office of the Secretary.
51 7. The Office of Economic Accountability and Transparency,

52 which shall:

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

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

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

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

68 e. Promote strategic planning for the department.

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

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

76 448.09 Unauthorized aliens; employment prohibited.—

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

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

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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

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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.—

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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

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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 beginning on
184 July 1, 2026, for private employers, if the Department of
185 Commerce determines that an employer failed to use the E-Verify
186 system to verify the employment eligibility of employees as
187 required under this section, the department must notify the
188 employer of the department's determination of noncompliance and
189 provide the 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. Continued noncompliance constitutes grounds for the
196 suspension of all licenses issued by a licensing agency subject
197 to chapter 120 until the noncompliance is cured.

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

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

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204 (2) of section 908.104, Florida Statutes, are redesignated as
205 paragraphs (b) through (g), respectively, and a new paragraph
206 (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. For the purpose of incorporating the amendment
218 made by this act to section 448.095, Florida Statutes, in a
219 reference thereto, paragraph (g) of subsection (2) of section
220 163.3162, Florida Statutes, is reenacted to read:

221 163.3162 Agricultural lands and practices.—

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

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

225 1. Is lawfully present in the United States;

226 2. Meets the definition of eligible worker pursuant to 29
227 C.F.R. s. 502.10;

228 3. Has been verified through the process provided in s.
229 448.095(2) and is authorized to work at the time of employment;

230 4. Is seasonally or annually employed in bona fide
231 agricultural production;

232 5. Remains lawfully present and authorized to work

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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.