

1                   A bill to be entitled  
2           An act relating to the Department of Commerce;  
3           amending s. 253.025, F.S.; exempting federal agencies  
4           from a requirement that a conveyance at less than  
5           appraised value must state that the land will revert  
6           to the Board of Trustees of the Internal Improvement  
7           Trust Fund if the land is not used for its intended  
8           purposes as a military installation buffer or if the  
9           military installation closes; amending s. 288.0656,  
10          F.S.; revising the definition of the term "rural  
11          community"; repealing ss. 290.0401, 290.0411, 290.042,  
12          290.0455, 290.046, 290.047, 290.0475, and 290.048,  
13          F.S., relating to the Florida Small Cities Community  
14          Development Block Grant Program Act, legislative  
15          intent and purpose, definitions, the Florida Small  
16          Cities Community Development Block Grant Loan  
17          Guarantee Program, applications for grants,  
18          establishment of grant ceilings and maximum  
19          administrative cost percentages and the elimination of  
20          population bias, rejection of grant applications and  
21          penalties for failure to meet application conditions,  
22          and general powers of the department, respectively;  
23          amending s. 290.043, F.S.; renaming the "Florida Small  
24          Cities Community Development Block Grant Program" as  
25          the "Community Development Block Grant Program";

26 | amending s. 290.044, F.S.; revising provisions  
27 | relating to the Florida Small Cities Community  
28 | Development Block Grant Program Fund; renaming the  
29 | fund as the "Community Development Block Grant Program  
30 | Fund"; providing definitions; designating the  
31 | department as the state agency to receive federal  
32 | funding from the United States Department of Housing  
33 | and Urban Development to administer the program;  
34 | providing that the department shall administer  
35 | additional federal funding in accordance with federal  
36 | law and guidance from the Department of Housing and  
37 | Urban Development; authorizing the Department of  
38 | Commerce to adopt rules; amending s. 448.095, F.S.;  
39 | defining the terms "employer" and "noncompliance";  
40 | providing that an employer must maintain an E-Verify  
41 | case for each employee; providing that an employer's  
42 | failure to provide requested documentation within a  
43 | specified time period constitutes noncompliance;  
44 | requiring the department to issue a notification of  
45 | noncompliance containing specified information;  
46 | providing that if the employer fails to cure the  
47 | noncompliance, the department shall issue a final  
48 | determination of noncompliance; providing requirements  
49 | for specified hearings for employers under certain  
50 | circumstances; providing penalties; providing

51 requirements for an employer to cure specified  
52 noncompliance with the E-Verify system; authorizing  
53 the department to adopt rules; providing that the  
54 department may recover specified costs; requiring such  
55 funds to be deposited into the State Economic  
56 Enhancement and Development Trust Fund; revising  
57 construction and expiration; amending s. 448.09, F.S.;  
58 providing that an employer knowingly employs an  
59 unauthorized alien if specified conditions are met;  
60 requiring the department to provide an employer with a  
61 written determination that an employer has knowingly  
62 employed an unauthorized alien; providing that if an  
63 employer requests a hearing, the administrative law  
64 judge's final order is appealable; requiring an  
65 employer to report quarterly to the department to  
66 demonstrate compliance; authorizing the department to  
67 adopt rules; amending s. 163.3184, F.S.; conforming  
68 provisions to changes made by the act; providing an  
69 effective date.

70  
71 Be It Enacted by the Legislature of the State of Florida:

72  
73 Section 1. Paragraph (e) is added to subsection (21) of  
74 section 253.025, Florida Statutes, to read:

75 253.025 Acquisition of state lands.—

76 (21)  
 77 (e) Federal agencies, including the United States  
 78 Department of Defense, are exempt from paragraph (d) if the land  
 79 continues to serve the general purpose of acting as a buffer for  
 80 a military installation, even if the specific military mission,  
 81 use, or function of the land is modified or changed.

82 Section 2. Paragraph (e) of subsection (2) of section  
 83 288.0656, Florida Statutes, is amended to read:

84 288.0656 Rural Economic Development Initiative.—

85 (2) As used in this section, the term:

86 (e) "Rural community" means:

87 1. A county with a population of 75,000 or fewer.

88 2. A county with a population of 125,000 or fewer which is  
 89 contiguous to a county with a population of 75,000 or fewer.

90 3. A municipality within a county described in  
 91 subparagraph 1. or subparagraph 2.

92 4. An unincorporated area ~~federal enterprise community~~ or  
 93 ~~an~~ incorporated rural city that has with a population of 25,000  
 94 or fewer and that meets ~~an employment base focused on~~  
 95 ~~traditional agricultural or resource-based industries, located~~  
 96 ~~in a county not defined as rural, which has at least three or~~  
 97 ~~more of the economic distress factors identified in paragraph~~  
 98 ~~(c) and verified by the department.~~

99  
 100 For purposes of this paragraph, population shall be determined

101 in accordance with the most recent official estimate pursuant to  
 102 s. 186.901.

103 Section 3. Sections 290.0401, 290.0411, 290.042, 290.0455,  
 104 290.046, 290.047, 290.0475, and 290.048, Florida Statutes, are  
 105 repealed.

106 Section 4. Section 290.043, Florida Statutes, is amended  
 107 to read:

108 290.043 ~~Florida Small Cities~~ Community Development Block  
 109 Grant Program; administration.—There is created the ~~Florida~~  
 110 ~~Small Cities~~ Community Development Block Grant Program. The  
 111 department shall administer the program as authorized and  
 112 described in Title I of the Housing and Community Development  
 113 Act of 1974, as amended; Pub. L. No. 93-383, as amended by Pub.  
 114 L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C. ss. 5301 et seq.

115 Section 5. Section 290.044, Florida Statutes, is amended  
 116 to read:

117 (Substantial rewording of section. See  
 118 s. 290.044, F.S., for present text.)

119 290.044 Community Development Block Grant Program Fund;  
 120 administration; distribution.—

121 (1) The Community Development Block Grant Program Fund is  
 122 created.

123 (2) For the purpose of this section, the term:

124 (a) "Act" means the Housing and Community Development Act  
 125 of 1974, as amended, and applicable federal regulations.

126        (b) "Program" means the Community Development Block Grant  
127 Program.

128        (3) The department is designated as the state agency to  
129 receive federal funding from the Department of Housing and Urban  
130 Development and to administer the program. The department may  
131 award grants under the program consistent with the purposes and  
132 requirements of the act. The department may expend funds  
133 received from Department of Housing and Urban Development  
134 consistent with the act.

135        (4) If, in any year, the department receives additional  
136 federal funding through the Department of Housing and Urban  
137 Development for necessary expenses related to disaster recovery,  
138 long-term recovery, and restoration of infrastructure in  
139 impacted and distressed areas arising from the consequences of a  
140 federally declared disaster, the department shall administer  
141 such funding in accordance with the federal law authorizing such  
142 funding, including any implementing guidance or regulations  
143 adopted by the Department of Housing and Urban Development.

144        (5) If, in any year, the department receives additional  
145 federal funding through the Department of Housing and Urban  
146 Development for any purpose not specifically provided in this  
147 section, the department shall administer such funding in  
148 accordance with the law authorizing such funding, including any  
149 implementing guidance or regulations adopted by the Department  
150 of Housing and Urban Development.

151 (6) The department may adopt rules to administer this  
152 section.

153 Section 6. Paragraph (c) and paragraphs (d) through (f) of  
154 subsection (1) of section 448.095, Florida Statutes, are  
155 redesignated as paragraph (d) and paragraphs (f) through (h),  
156 respectively, paragraph (b) of subsection (2), subsection (6),  
157 and paragraphs (a) and (c) of subsection (7) are amended, new  
158 paragraphs (c) and (e) are added to subsection (1), and  
159 paragraph (c) is added to subsection (3) of that section, to  
160 read:

161 448.095 Employment eligibility.—

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

163 (c) "Employer" means any person, firm, company,  
164 corporation, association, joint stock company, partnership,  
165 organization, or other legal entity, or any agent thereof, which  
166 engages one or more individuals to perform labor or services in  
167 this state in exchange for salary, wages, or other remuneration.  
168 The term does not include:

169 1. An occupant or owner of a private residence with  
170 respect to an individual hired for casual labor, as defined in  
171 s. 443.036, which is to be performed entirely within that  
172 private residence.

173 2. A person or entity solely with respect to its  
174 engagement of an independent contractor, as defined in federal  
175 laws or regulations.

176 (e) "Noncompliance" means:

177 1. The failure of an employer to verify a new employee's  
178 employment eligibility through the E-Verify system.

179 2. An employer's failure to timely provide, upon request  
180 by an entity or person listed in paragraph (3) (a), copies of the  
181 documentation the employer relied upon to verify a new  
182 employee's employment eligibility.

183 (2) EMPLOYMENT VERIFICATION.—

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

187 2. Beginning on July 1, 2023, a private employer with 25  
188 or more employees shall use the E-Verify system to verify a new  
189 employee's employment eligibility as required under paragraph  
190 (a). The employer must maintain an E-Verify case for each  
191 employee which verifies the employee's employment eligibility.

192 3. Each employer required to use the E-Verify system under  
193 this paragraph must certify on its first return each calendar  
194 year to the tax service provider that it is in compliance with  
195 this section when making contributions to or reimbursing the  
196 state's unemployment compensation or reemployment assistance  
197 system. An employer that voluntarily uses the E-Verify system  
198 may also make such a certification on its first return each  
199 calendar year in order to document such use.

200 (3) ENFORCEMENT.—

201 (c) Failure by an employer to provide the requested  
202 documentation within 30 days after a request made under  
203 paragraph (a) constitutes noncompliance. Each failure to timely  
204 provide the documentation constitutes a noncompliance event for  
205 the application of fines under paragraph (6)(b).

206 (6) COMPLIANCE.—

207 (a) In addition to the requirements under s. 288.061(6),  
208 beginning on July 1, 2024, if the Department of Commerce has a  
209 reasonable basis to believe ~~determines~~ that an employer failed  
210 to use the E-Verify system to verify the employment eligibility  
211 of employees as required under this section, the department  
212 must, before the imposition of a fine or suspension of licenses,  
213 issue an initial notification of noncompliance to the employer.  
214 An employer's failure to provide copies of any documentation  
215 relied upon by the employer for the verification of a new  
216 employee's employment eligibility to a person or entity listed  
217 in paragraph (3)(a) constitutes a reasonable basis that an  
218 employer failed to use the E-Verify system. The department must  
219 notify the employer that it must cure the noncompliance within  
220 30 days after the date of the department's initial notification.  
221 The department, for good cause shown by the employer, may grant  
222 the employer an additional 30 days to cure the noncompliance. If  
223 the employer does not timely cure the noncompliance, the  
224 department shall issue a final determination of noncompliance to  
225 the employer, which is subject to chapter 120. If the employer

226 requests a hearing, the hearing shall be held pursuant to ss.  
 227 120.569 and 120.57(1), except that the order of an  
 228 administrative law judge is a final order and reviewable under  
 229 s. 120.68 ~~notify the employer of the department's determination~~  
 230 ~~of noncompliance and provide the employer with 30 days to cure~~  
 231 ~~the noncompliance.~~

232 (b) If the Department of Commerce determines that an  
 233 employer failed to use the E-Verify system as required under  
 234 this section and the employer failed to cure the noncompliance  
 235 in accordance with paragraph (a) ~~three times in any 24-month~~  
 236 ~~period,~~ the department must impose a fine of \$1,000 for each  
 237 employee not verified pursuant to this section. Any subsequent  
 238 noncompliance by the employer after the final determination of  
 239 ~~per day until the employer provides sufficient proof to the~~  
 240 ~~department that the noncompliance is cured.~~ noncompliance  
 241 constitutes grounds for the suspension of all licenses issued by  
 242 a licensing agency subject to chapter 120 until the  
 243 noncompliance is cured.

244 (c) To cure noncompliance, the employer must:

245 1. Register with the E-Verify system if the employer is  
 246 not already registered.

247 2. Use the E-Verify system or the Employment Eligibility  
 248 Verification form (Form I-9) as provided in paragraph (2)(c) to  
 249 properly verify the employment eligibility of each employee.

250 3. Provide an E-Verify case result for each employee which

251 verifies the employee's employment eligibility.

252 4. Provide an affidavit to the Department of Commerce,  
253 under penalty of perjury, that all instances of noncompliance  
254 have been corrected and that the employer is now in full  
255 compliance with this section.

256 (d) ~~(e)~~ Fines collected under this subsection must be  
257 deposited into the State Economic Enhancement and Development  
258 Trust Fund for use by the department for employer outreach and  
259 public notice of the state's employment verification laws.

260 (e) The Department of Commerce may adopt rules necessary  
261 to implement this section. The department may establish  
262 procedures for reporting, enforcement, compliance,  
263 noncompliance, license suspension, and the application of fines,  
264 as well as any other rules required for effective enforcement  
265 and administration of this section.

266 (f) In addition to any penalties imposed under this  
267 section, the Department of Commerce is entitled to recover the  
268 reasonable costs of investigation and prosecution if the  
269 employer is found to have violated this section. The court shall  
270 determine the amount of costs to be assessed after its  
271 consideration of an affidavit of itemized costs and any written  
272 objections thereto. If the assessed costs are not paid within 60  
273 days after assessment, the department may contract for the  
274 collection of such costs, in which case any fees charged by the  
275 collection agent may be added to the amount recovered from the

276 employer, or may bring a civil action to recover such costs, in  
277 which case the department is also entitled to recover reasonable  
278 attorney fees and court costs incurred in such action. All  
279 recovered costs, including additional amounts recovered for  
280 collection efforts, shall be deposited into the State Economic  
281 Enhancement and Development Trust Fund.

282 (7) CONSTRUCTION.—

283 (a) This section must be enforced without regard to race,  
284 color, or national origin and must be construed in a manner so  
285 as to be fully consistent with any applicable federal laws or  
286 regulations. The Department of Commerce may not investigate a  
287 complaint that is based solely on race, color, or national  
288 origin.

289 (c) This section shall expire ~~60 days~~ after the E-Verify  
290 system is no longer provided or maintained by the Federal  
291 Government, or when a pilot program, and the Federal Government  
292 requires the use of the E-Verify system by all employers in the  
293 United States.

294 Section 7. Section 448.09, Florida Statutes, is amended to  
295 read:

296 448.09 Unauthorized aliens; employment prohibited.—

297 (1) It is unlawful for any person to knowingly employ,  
298 hire, recruit, or refer, either for herself or himself or on  
299 behalf of another, for private or public employment within this  
300 state, an alien who is not duly authorized to work by the

301 immigration laws of the United States, the Attorney General of  
302 the United States, or the United States Secretary of the  
303 Department of Homeland Security. An employer knowingly employs  
304 an unauthorized alien if the employer is aware of the  
305 unauthorized alien's unauthorized status or fails to take  
306 reasonable steps to verify the unauthorized alien's employment  
307 eligibility after being made aware of potential violations.

308 (2) If the Department of Commerce finds or is notified by  
309 an entity specified in s. 448.095(3)(a) that an employer has  
310 knowingly employed an unauthorized alien, the department must  
311 provide the employer with a written determination subject to  
312 chapter 120. If the employer requests a hearing, the hearing  
313 shall be held pursuant to ss. 120.569 and 120.57(1), except that  
314 the order of an administrative law judge is a final order and  
315 reviewable under s. 120.68 ~~without verifying the employment~~  
316 ~~eligibility of such person, the department must enter an order~~  
317 ~~pursuant to chapter 120 making such determination and require~~  
318 ~~repayment of any economic development incentive pursuant to s.~~  
319 ~~288.061(6).~~

320 (3) For a violation of this section, the department shall  
321 place the employer on probation for a 1-year period and require  
322 that the employer report quarterly to the department to  
323 demonstrate compliance with the requirements of subsection (1)  
324 and s. 448.095. On or before the last day of each quarter, the  
325 employer must submit an affidavit that affirms the employer is

326 not employing any unauthorized aliens and is in compliance with  
327 s. 448.095. The first quarter will commence from the issuance  
328 date of the final order. Each subsequent quarter commences 90  
329 days after the previous quarter. The department may enforce  
330 compliance with this subsection by filing a petition for  
331 enforcement with the circuit court in and for Leon County. Venue  
332 for all actions under this subsection is in Leon County.

333 (4) Any violation of this section which takes place within  
334 24 months after a previous violation constitutes grounds for the  
335 suspension or revocation of all licenses issued by a licensing  
336 agency subject to chapter 120. The Department of Commerce must  
337 provide the employer with a written determination subject to  
338 chapter 120. The hearing shall be held pursuant to ss. 120.569  
339 and 120.57(1), except that the order of the administrative law  
340 judge is a final order and appealable pursuant to s. 120.68. The  
341 department shall take the following actions for a violation  
342 involving:

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

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

349 (c) More than fifty unauthorized aliens, revocation of all  
350 applicable licenses held by a private employer by the respective

351 agencies that issued them.

352 (5) An alien who is not duly authorized to work by the  
353 immigration laws of the United States, the Attorney General of  
354 the United States, or the United States Secretary of the  
355 Department of Homeland Security and who knowingly uses a false  
356 identification document or who fraudulently uses an  
357 identification document of another person for the purpose of  
358 obtaining employment commits a felony of the third degree,  
359 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

360 (6) The Department of Commerce may adopt rules to  
361 implement this section.

362 Section 8. Paragraph (b) of subsection (8) of section  
363 163.3184, Florida Statutes, is amended to read:

364 163.3184 Process for adoption of comprehensive plan or  
365 plan amendment.—

366 (8) ADMINISTRATION COMMISSION.—

367 (b) The commission may specify the sanctions provided in  
368 subparagraphs 1. and 2. to which the local government will be  
369 subject if it elects to make the amendment effective  
370 notwithstanding the determination of noncompliance.

371 1. The commission may direct state agencies not to provide  
372 funds to increase the capacity of roads, bridges, or water and  
373 sewer systems within the boundaries of those local governmental  
374 entities which have comprehensive plans or plan elements that  
375 are determined not to be in compliance. The commission order may

376 also specify that the local government is not eligible for  
 377 grants administered under the following programs:

378 a. The ~~Florida Small Cities~~ Community Development Block  
 379 Grant Program, as authorized by ss. 290.043-290.044 ~~ss.~~  
 380 ~~290.0401-290.048~~.

381 b. The Florida Recreation Development Assistance Program,  
 382 as authorized by chapter 375.

383 c. Revenue sharing pursuant to ss. 206.60, 210.20, and  
 384 218.61 and chapter 212, to the extent not pledged to pay back  
 385 bonds.

386 2. If the local government is one which is required to  
 387 include a coastal management element in its comprehensive plan  
 388 pursuant to s. 163.3177(6)(g), the commission order may also  
 389 specify that the local government is not eligible for funding  
 390 pursuant to s. 161.091. The commission order may also specify  
 391 that the fact that the coastal management element has been  
 392 determined to be not in compliance shall be a consideration when  
 393 the department considers permits under s. 161.053 and when the  
 394 Board of Trustees of the Internal Improvement Trust Fund  
 395 considers whether to sell, convey any interest in, or lease any  
 396 sovereignty lands or submerged lands until the element is  
 397 brought into compliance.

398 3. The sanctions provided by subparagraphs 1. and 2. do  
 399 not apply to a local government regarding any plan amendment,  
 400 except for plan amendments that amend plans that have not been

401 finally determined to be in compliance with this part, and  
402 except as provided in this paragraph.

403 Section 9. This act shall take effect July 1, 2026.