

By Senator Yarborough

4-00724C-26

2026998__

A bill to be entitled

An act relating to the Department of Commerce;
repealing ss. 290.0401, 290.0411, 290.042, 290.043,
290.0455, 290.046, 290.047, 290.0475, and 290.048,
F.S., relating to the Florida Small Cities Community
Development Block Grant Program Act; amending s.
253.025, F.S.; providing an exemption for certain
conveyances of state lands to certain federal agencies
which revert to the Board of Trustees of the Internal
Improvement Trust Fund if such land is not used for
its intended purposes as a military installation
buffer or if the military installation closes;
amending s. 288.0656, F.S.; revising the definition of
the term "rural community"; amending s. 290.044, F.S.;
defining terms; designating the department as the
state agency to receive and administer federal funding
from the United States Department of Housing and Urban
Development (HUD) to administer the Florida Small
Cities Community Development Block Grant Program;
authorizing the department to award grants and
disburse funds received from HUD; requiring the
department to administer additional federal funding
through HUD for certain expenses in accordance with
the law authorizing such funding; authorizing the
department to adopt rules; amending s. 448.095, F.S.;
defining the terms "employer" and "noncompliance";
requiring employers who are required to use the E-
Verify system to verify a new employee's employment
eligibility to maintain an E-Verify case result for

4-00724C-26

2026998__

each employee which shows that the employee is authorized to work; requiring that the E-Verify case result visibly show the employee's work authorization status; providing that each failure of an employer to provide documentation within a specified timeframe constitutes noncompliance; requiring the department to issue a notification of noncompliance to an employer before issuing fines or suspending licenses; providing that an employer's failure to provide copies of any documentation relied upon by the employer constitutes a reasonable basis that the employer failed to use the E-Verify system; requiring the department to notify the employer to comply within a specified timeframe; authorizing the department to grant extensions up to a specified timeframe upon a showing of good cause; requiring the department to issue a final determination of noncompliance if the employer does not timely cure its noncompliance; authorizing an employer found to be noncompliant to request a hearing; providing requirements for such hearings; requiring an employer to repay any economic development incentive if the administrative law judge rules in favor of the department or if the employer loses its appeal; defining the terms "employer" and "unauthorized alien"; revising the fines and penalties that may be imposed on an employer found to be in noncompliance; providing how an employer may cure noncompliance; authorizing the department to adopt rules and procedures; authorizing the department to

4-00724C-26

2026998__

59 recover reasonable costs of investigation and
60 prosecution; requiring the department to determine
61 such costs; authorizing the department to contract
62 with a collections agent if such costs are not paid
63 within a specified timeframe; requiring that any
64 amounts recovered be deposited into the State Economic
65 Enhancement and Development Trust Fund; prohibiting
66 the department from investigating complaints based
67 solely on race, color, or national origin; revising an
68 expiration; amending s. 448.09, F.S.; defining the
69 term "knowingly employs"; requiring the department to
70 provide an employer knowingly employing an
71 unauthorized alien with a written determination;
72 providing requirements for hearings; requiring
73 employers placed on probation to submit on a specified
74 date an affidavit to the department; requiring that an
75 affidavit be submitted to the department every
76 quarter; providing when the first and subsequent
77 quarters commence; authorizing the department to
78 enforce compliance by filing a petition with the
79 circuit court of Leon County; providing that venue for
80 actions for such enforcement is in Leon County;
81 requiring the department to provide a hearing for
82 employers who have had their licenses suspended or
83 revoked; providing requirements for such hearings;
84 authorizing the department to adopt rules; reenacting
85 ss. 215.971(1)(h), 288.062(2)(j), 288.0655(2)(b),
86 332.007(10), and 627.6699(14)(d), F.S., relating to
87 agreements funded with federal or state assistance,

4-00724C-26

2026998__

the Rural Community Investment Program, the Rural Infrastructure Fund, administration and financing of aviation and airport programs and projects, and the Employee Health Care Access Act, respectively, to incorporate the amendment made to s. 288.0656, F.S., in references thereto; providing an effective date.

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

Section 1. Section 290.0401, Florida Statutes, is repealed.

Section 2. Section 290.0411, Florida Statutes, is repealed.

Section 3. Section 290.042, Florida Statutes, is repealed.

Section 4. Section 290.043, Florida Statutes, is repealed.

Section 5. Section 290.0455, Florida Statutes, is repealed.

Section 6. Section 290.046, Florida Statutes, is repealed.

Section 7. Section 290.047, Florida Statutes, is repealed.

Section 8. Section 290.0475, Florida Statutes, is repealed.

Section 9. Section 290.048, Florida Statutes, is repealed.

Section 10. Paragraph (d) of subsection (21) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—

(21)

(d)1. A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.

2. Agencies of the Federal Government, including, but not limited to, the United States Department of Defense and its subordinate Departments of the Army, Navy, and Air Force, and

4-00724C-26

2026998__

the Department of Homeland Security's United States Coast Guard,
are exempt from this paragraph, so long as the general and
overarching purpose of remaining as a military installation
buffer is still in place even though the specific military
purpose, mission, or function of the conveyed land is modified
or changes from that present or proposed purpose at the time of
the conveyance.

Section 11. Paragraph (e) of subsection (2) of section
288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

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

(e) "Rural community" means:

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

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

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

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

For purposes of this paragraph, population shall be determined
in accordance with the most recent official estimate pursuant to

4-00724C-26

2026998__

s. 186.901.

Section 12. Section 290.044, Florida Statutes, is amended to read:

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

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) As used in this section, the term:

(a) "Act" means the Housing and Community Development Act of 1974, as amended, and includes the implementing regulations set forth at 24 C.F.R. part 570, as amended.

(b) "Department" means the Department of Commerce.

(c) "HUD" means the United States Department of Housing and Urban Development.

(d) "Program" means the Florida Small Cities Community Development Block Grant Program.

(2) The department is designated as the state agency to receive federal funding from HUD and to administer the program as set forth in the act. The department may award grants under the program in any manner and in any amount, consistent with the purposes and requirements of the act. The department may disburse funds received from HUD consistent with the act.

(3) If, in any year, the department receives additional federal funding through HUD for necessary expenses related to disaster recovery, long-term recovery, or restoration of infrastructure in impacted and distressed areas arising from the consequences of a federally declared disaster, the department must administer that funding in accordance with the law authorizing such funding, including any implementing guidance or

4-00724C-26

2026998__

175 regulations adopted by HUD.

176 (4) If, in any year, the department receives additional
177 federal funding through HUD for any other purpose not
178 specifically stated in this section, then the department must
179 administer that funding in accordance with the law authorizing
180 such funding, including any implementing guidance or regulations
181 adopted by HUD.

182 (5) The department may adopt rules to administer this
183 section.

184 Section 13. Present paragraphs (c), (d), (e), and (f) of
185 subsection (1) of section 448.095, Florida Statutes, are
186 redesignated as paragraphs (d), (f), (g), and (h), respectively,
187 new paragraphs (c) and (e) are added to that subsection, and
188 paragraph (b) of subsection (2), subsection (6), paragraphs (a)
189 and (c) of subsection (7) of that section are amended, and a new
190 paragraph (c) is added to subsection (3) of that section, and
191 subsection (4) of that section is reenacted, to read:

192 448.095 Employment eligibility.—

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

194 (c) "Employer" means any person, firm, company,
195 corporation, association, joint stock company, partnership,
196 organization, or other legal entity, or any agent thereof, that
197 engages one or more individuals to perform labor or services in
198 this state in exchange for salary, wages, or other remuneration.
199 The term does not include an occupant or owner of a private
200 residence with respect to an individual hired for casual labor
201 as defined in s. 443.036, which is performed entirely within
202 that private residence. The term does not include a person or
203 entity solely with respect to its engagement of an independent

4-00724C-26

2026998__

contractor as defined in federal laws or regulations.

(e) "Noncompliance" means the failure of an employer to verify a new employee's employment eligibility through the E-Verify system, or an employer's failure to timely provide copies of any documentation requested by an entity or a person listed in paragraph (3) (a).

(2) EMPLOYMENT VERIFICATION.—

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

2. ~~An~~ Beginning on July 1, 2023, A private employer with 25 or more employees shall use the E-Verify system to verify a new employee's employment eligibility as required under paragraph (a). Such employer shall maintain an E-Verify case result for each employee which shows that the employee is authorized to work. The E-Verify case result must visibly show the employee's work authorization status.

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

(3) ENFORCEMENT.—

(c) Failure by an employer to provide the requested documentation within 30 days after a written request made under paragraph (a) constitutes noncompliance. Each failure to timely

4-00724C-26

2026998__

provide the documentation will count as a noncompliance event
for the application of fines under paragraph (6)(b).

(4) DEFENSES.—

(a) An employer that uses the E-Verify system or, if that system is unavailable, the Employment Eligibility Verification form (Form I-9) as provided in paragraph (2)(c), with respect to the employment of an unauthorized alien has established a rebuttable presumption that the employer has not violated s. 448.09 with respect to such employment.

(b) An employer that uses the same documentation that is required by the United States Citizenship and Immigration Services on its Employment Eligibility Verification form (Form I-9) with respect to the employment of an unauthorized alien, has established an affirmative defense that the employer has not violated s. 448.09 with respect to such employment.

(6) COMPLIANCE.—

(a) In addition to the requirements under s. 288.061(6), beginning on July 1, 2024, if the Department of Commerce has a reasonable basis to believe ~~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, before the imposition of a fine or suspension of licenses, issue an initial notification of noncompliance to the employer. An employer's failure to provide copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility to a person or entity listed in paragraph (3)(a) constitutes a reasonable basis that the employer failed to use the E-Verify system. The Department of Commerce shall notify the employer that it has 30 days after the

4-00724C-26

2026998__

date of the department's initial notification to cure the noncompliance. Extensions to the 30-day timeframe may be granted by the department only upon a showing of good cause by the employer for a period not to exceed 30 days. If the employer does not timely cure its noncompliance, the department must issue a final determination of noncompliance to the employer pursuant to chapter 120. If the employer requests a hearing, the hearing must be held pursuant to ss. 120.569 and 120.57(1), except that the order of the administrative law judge is a final order and is appealable pursuant to s. 120.68 ~~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 and the employer failed to cure the noncompliance according to paragraph (a) ~~three times in any 24-month period,~~ the department must impose a fine of \$1,000 for each employee not verified pursuant to this section ~~per day until the employer provides sufficient proof to the department that the noncompliance is cured.~~ Any subsequent noncompliance by the employer after the final determination of noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to chapter 120 until the noncompliance is cured.

(c) To cure noncompliance, the employer must do all of the following:

1. Register with the E-Verify system, if not already enrolled.
2. Properly verify the employment eligibility of employees

4-00724C-26

2026998__

by using the E-Verify system or Form I-9, as applicable under this section.

3. Provide an E-Verify case result and closure description for each employee which shows that the employee is authorized to work.

4. Provide an affidavit to the department, under penalty of perjury, that all instances of noncompliance have been corrected and that the employer is in full compliance with this section.

(d) Fines collected under this subsection must be deposited into the 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.

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

(f) In addition to any penalties imposed under this section, the Department of Commerce may recover the reasonable costs of investigation and prosecution if an employer is found to have violated this section. Such costs include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by attorneys and other personnel on the investigation and prosecution, and any other expenses incurred by the department for such investigation and prosecution. The department shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. If the assessed costs are not

4-00724C-26

2026998__

320 paid within 60 days after the assessment, the department may
321 contract for the collection of such costs, in which case any
322 fees charged by the collection agent may be added to the amount
323 recovered from the employer, or may bring a civil action to
324 recover such costs, in which case the department is, if it is
325 the prevailing party, also entitled to recover its reasonable
326 attorney fees and costs incurred in such collection action. All
327 recovered costs, including additional amounts recovered for
328 collection efforts, must be deposited into the State Economic
329 Enhancement and Development Trust Fund.

330 (7) CONSTRUCTION.—

331 (a) This section must be enforced without regard to race,
332 color, or national origin and must be construed in a manner so
333 as to be fully consistent with any applicable federal laws or
334 regulations. The Department of Commerce may not investigate
335 complaints that are based solely on race, color, or national
336 origin.

337 (c) This section expires ~~shall expire~~ 60 days after the E-
338 Verify system is no longer provided or maintained by the Federal
339 Government, or when ~~a pilot program,~~ and the Federal Government
340 requires the use of the E-Verify system by all employers in the
341 United States.

342 Section 14. Section 448.09, Florida Statutes, is amended to
343 read:

344 448.09 Unauthorized aliens; employment prohibited.—

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

4-00724C-26

2026998__

immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security. For purposes of this section, the term "knowingly employs" means an employer is aware of an unauthorized individual alien's unauthorized status or fails to take reasonable steps to verify their employment eligibility after being made aware of potential violations.

(2) If the Department of Commerce finds or is notified by an entity specified in s. 448.095(3)(a) that an employer has knowingly employed an unauthorized alien, the department must provide the employer with a written determination subject to chapter 120. If the employer requests a hearing, the hearing must be held pursuant to ss. 120.569 and 120.57(1), except that the order of the administrative law judge is a final order and is appealable pursuant to s. 120.68. If the administrative law judge rules in favor of the department, or the employer loses its appeal, the employer must repay ~~without verifying the employment eligibility of such person, the department must enter an order pursuant to chapter 120 making such determination and require repayment of any economic development incentive pursuant to s. 288.061(6).~~ For purposes of this section, the terms "employer" and "unauthorized alien" have the same meanings as in s. 448.095(1).

(3) 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. On or before the last day of each quarter, the employer shall submit an affidavit to the department that

4-00724C-26

2026998__

affirms that the employer is not employing any unauthorized aliens and is in compliance with s. 448.095. The first quarter will commence from the issuance date of the final order. Each subsequent quarter will commence 90 days after the previous quarter. The Department of Commerce may enforce compliance with this subsection by filing a petition for enforcement with the circuit court in and for Leon County. Venue for all actions pursuant to this subsection is in Leon County.

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

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

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

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

(5) An alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of

4-00724C-26

2026998__

the United States, or the United States Secretary of the Department of Homeland Security and who knowingly uses a false identification document or who fraudulently uses an identification document of another person for the purpose of obtaining employment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 15. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (h) of subsection (1) of section 215.971, Florida Statutes, is reenacted to read:

215.971 Agreements funded with federal or state assistance.—

(1) An agency agreement that provides state financial assistance to a recipient or subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a subrecipient, as defined by applicable United States Office of Management and Budget circulars, must include all of the following:

(h) If the agency agreement provides federal or state financial assistance to a county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), a provision allowing the agency to provide for the payment of invoices to the county, municipality, or rural area of opportunity as that term is defined in s. 288.0656(2), for verified and eligible performance that has been completed in accordance with the terms and conditions set forth in the agreement. This provision is included to alleviate the

4-00724C-26

2026998__

financial hardships that certain rural counties and municipalities encounter when administering agreements, and must be exercised by the agency when a county or municipality demonstrates financial hardship, to the extent that federal or state law, rule, or other regulation allows such payments. This paragraph may not be construed to alter or limit any other provisions of federal or state law, rule, or other regulation.

Section 16. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (j) of subsection (2) of section 288.062, Florida Statutes, is reenacted to read:

288.062 Rural Community Investment Program.—

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

(j) "Rural community" means a rural community as defined in s. 288.0656 or a designated rural area of opportunity as defined in s. 288.0656(2).

Section 17. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 288.0655, Florida Statutes, is reenacted to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate

4-00724C-26

2026998__

local government or private infrastructure funding efforts, the department may award grants for up to 75 percent of the total infrastructure project cost, or up to 100 percent of the total infrastructure project cost for a project located in a rural community as defined in s. 288.0656(2) which is also located in a fiscally constrained county as defined in s. 218.67(1) or a rural area of opportunity as defined in s. 288.0656(2). Eligible uses of funds may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth and reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or

4-00724C-26

2026998__

wastewater system in this state when:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

Section 18. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, subsection (10) of section 332.007, Florida Statutes, is reenacted to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) Subject to the availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the department may fund up to 100 percent of eligible project costs of all of the following at a public-use airport located in a rural community as defined in s. 288.0656 which does not have any scheduled commercial service:

(a) The capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds.

(b) Economic development transportation projects pursuant to s. 339.2821.

Any remaining funds must be allocated for projects specified in subsection (6).

Section 19. For the purpose of incorporating the amendment

4-00724C-26

2026998__

made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (d) of subsection (14) of section 627.6699, Florida Statutes, is reenacted to read:

627.6699 Employee Health Care Access Act.—

(14) SMALL EMPLOYERS ACCESS PROGRAM.—

(d) *Eligibility*.—

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.

2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2) may participate.

3. Nursing home employers may participate.

4. Each dependent of a person eligible for coverage is also eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

Section 20. This act shall take effect July 1, 2026.