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LEGISLATIVE ACTION

Senate	.	House
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Senator Thrasher moved the following:

1           **Senate Amendment to Amendment (730724) (with title**  
2 **amendment)**

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4           Between lines 34 and 35  
5 insert:

6           Section 2. The Division of Statutory Revision shall  
7 designate ss. 448.30 through 448.32, Florida Statutes, as  
8 created by this act, as part III of chapter 448, Florida  
9 Statutes, titled "UNAUTHORIZED ALIENS."

10           Section 3. Section 448.30, Florida Statutes, is created to  
11 read:

12           448.30 Definitions.—As used in this part, the term:

13           (1) "Agency" means any state officer, department, division,



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14 board, bureau, commission, or other separate unit of state  
15 government created or established by law including, for the  
16 purposes of this section, any other public or private agency,  
17 person, partnership, corporation, or business entity acting on  
18 behalf of any state entity.

19 (2) "Employee" means any person, other than an independent  
20 contractor, who, for consideration, provides labor or services  
21 to an employer in this state.

22 (3) "Employer" means a person or an agency that employs one  
23 or more employees in this state. In the case of an independent  
24 contractor, the term means the independent contractor and does  
25 not mean the person or agency that uses the contract labor. The  
26 term does not include an employee leasing company licensed  
27 pursuant to part IX of chapter 468 which enters into a written  
28 agreement or understanding with its client company which places  
29 the primary obligation for compliance with this part upon its  
30 client company. In the absence of a written agreement or  
31 understanding, the contracting party, whether the licensed  
32 employee leasing company or client company, which initially  
33 hires the leased employee is responsible for the obligations set  
34 forth in this part. Such employee leasing company shall, at all  
35 times, remain an employer as otherwise specified by law.

36 (4) "E-Verify Program" means the program for electronic  
37 verification of employment eligibility which is operated by the  
38 United States Department of Homeland Security, or any successor  
39 program.

40 (5) "Independent contractor" means a person that carries on  
41 an independent business, contracts to do a piece of work  
42 according to its own means and methods, and is subject to



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43 control only as to results.

44 (6) "Unauthorized alien" means an alien who is not  
45 authorized under federal law to be employed in the United  
46 States, as provided in 8 U.S.C. s. 1324a(h)(3). This term shall  
47 be interpreted consistently with that section and any applicable  
48 federal rules or regulations.

49 Section 4. Section 448.31, Florida Statutes, is created to  
50 read:

51 448.31 Verification of employment eligibility by agencies.—

52 (1) Effective July 1, 2012, an agency shall:

53 (a) Register with the E-Verify Program;

54 (b) Before making an offer of employment, verify the  
55 employment eligibility through the E-Verify Program of a  
56 prospective employee to whom the agency plans to make an offer  
57 of employment on or after that date;

58 (c) Use the program for all prospective employees to whom  
59 the agency plans to make an offer of employment, both United  
60 States citizens and noncitizens, and not use the program  
61 selectively with respect to such prospective employees; and

62 (d) Maintain a record of the verification for 3 years after  
63 the date the agency conducts the verification or 1 year after  
64 the date employment ends, whichever is longer.

65 (2) The requirements of subsection (1) do not apply if a  
66 one-stop career center refers the prospective employee after  
67 verifying his or employment eligibility and issues to the agency  
68 a certification as provided in s. 445.009(12).

69 Section 5. Section 448.32, Florida Statutes, is created to  
70 read:

71 448.32 Employment of unauthorized aliens; noncriminal



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72 violation; civil fines.-

73 (1) It is a noncriminal violation as defined in s.  
74 775.08(3) for an employer to have in employment a person hired  
75 on or after July 1, 2012, who is an unauthorized alien if the  
76 employer did not:

77 (a) Verify the employment eligibility of the person through  
78 the E-Verify Program before making an offer of employment and  
79 conclude, based on the verification, that the person was  
80 authorized to work in the United States; or

81 (b) Rely in good faith upon an employment referral from a  
82 one-stop career center and retain a certification from the one-  
83 stop center that the person is authorized to work in the United  
84 States, as provided under s. 445.009.

85 (2) Each violation of this section is punishable as  
86 provided in s. 775.082(5).

87 (a) The first violation is punishable by a civil fine of  
88 not more than \$500, multiplied by the number of unauthorized  
89 aliens with respect to whom the violation occurred.

90 (b) The second violation is punishable by a civil fine of  
91 not more than \$1,000, multiplied by the number of aliens with  
92 respect to whom the violation occurred.

93 (c) The third or subsequent violation is punishable by a  
94 civil fine of not more than \$1,500, multiplied by the number of  
95 aliens with respect to whom the violation occurred.

96 (3) A person who has actual or constructive knowledge that  
97 an employer employs, or has within the last 90 days employed, an  
98 unauthorized alien may file a complaint with the state attorney  
99 or Attorney General. The state attorney or Attorney General may  
100 enforce this section if there is reasonable cause to believe



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101 that this section has been violated and may commence a civil or  
102 administrative action and seek such other relief as may be  
103 appropriate.

104 (4) This section does not apply to an employer that is an  
105 agency.

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108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete line 341

111 and insert:

112 verification; directing the Division of Statutory  
113 Revision to designate specified new statutory sections  
114 as part III of ch. 448, F.S., and name the part  
115 "Unauthorized Aliens"; creating s. 448.30, F.S.;  
116 providing definitions relating to employment and  
117 unauthorized aliens; creating s. 448.31, F.S.;  
118 requiring state agencies to register with and use the  
119 federal program for electronic verification of  
120 employment eligibility in order to verify the  
121 employment eligibility of prospective employees before  
122 they are offered employment; providing an exception;  
123 creating s. 448.32, F.S.; prescribing a noncriminal  
124 violation for employing an unauthorized alien under  
125 specified circumstances; providing for civil fines;  
126 authorizing a person with knowledge of a violation to  
127 file a complaint; providing for enforcement; providing  
128 an exception to application of the noncriminal  
129 violation; providing definitions relating to



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administration