

HB 5C

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1 A bill to be entitled
2 An act relating to employment policy of the state;
3 amending s. 110.105, F.S.; providing that a person is
4 disqualified from applying for employment by any agency of
5 the state if he or she is an alien and is unlawfully
6 present in the United States; specifying means of
7 identification which create a presumption of lawful
8 presence in the United States; providing implementation
9 requirements; providing penalties; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 110.105, Florida Statutes, is amended
15 to read:

16 110.105 Employment policy of the state.—

17 (1) It is the purpose of this chapter to establish a
18 system of personnel management. This system shall provide means
19 to recruit, select, train, develop, and maintain an effective
20 and responsible workforce and shall include policies and
21 procedures for employee hiring and advancement, training and
22 career development, position classification, salary
23 administration, benefits, discipline, discharge, employee
24 performance evaluations, affirmative action, and other related
25 activities.

26 (2) All appointments, terminations, assignments and
27 maintenance of status, compensation, privileges, and other terms
28 and conditions of employment in state government shall be made

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29 without regard to age, sex, race, religion, national origin,
30 political affiliation, marital status, or handicap, except when
31 a specific sex, age, or physical requirement constitutes a bona
32 fide occupational qualification necessary to proper and
33 efficient administration.

34 (3) (a) 1. A person is disqualified from applying for
35 employment by any agency of the state if he or she is an alien
36 and is unlawfully present in the United States.

37 2. A person is presumed to not be an alien who is
38 unlawfully present in the United States if the person provides
39 to the employing agency:

40 a. A valid Florida driver's license;

41 b. A valid identification card issued by the Department of
42 Highway Safety and Motor Vehicles pursuant to s. 322.051, which
43 includes any identification card issued by the Department of
44 Highway Safety and Motor Vehicles or its agents;

45 c. Any identification card issued by any state or
46 jurisdiction that issues identification cards recognized in this
47 state for the purpose of indicating a person's true name and
48 age;

49 d. Any valid identification issued by the Federal
50 Government or a state or local government for which the Federal
51 Government or the issuing state or local government requires
52 proof of legal presence in the United States as a condition of
53 issuance, or

54
55 in lieu of providing one of the forms of identification
56 enumerated in sub-subparagraphs a.-d., the applicant's

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57 employment authorization is verified by the agency through the
58 federal E-Verify program operated by the United States
59 Department of Homeland Security.

60 (b) Except as expressly provided by law, there shall be no
61 Florida residence requirement for any person as a condition
62 precedent to employment by the state; however, preference may be
63 given to Florida residents in hiring.

64
65 An agency may not consider race, color, or national origin in
66 implementing the requirements of this subsection except to the
67 extent permitted by the United States Constitution or the
68 Constitution of the State of Florida. This subsection shall be
69 implemented in a manner consistent with federal laws regulating
70 immigration, protecting the civil rights of all persons, and
71 respecting the privileges and immunities of United States
72 citizens.

73 (4) This chapter contains requirements and guides for
74 establishing and maintaining a system of personnel
75 administration on a merit basis. The system of personnel
76 administration shall be implemented so as to permit state
77 agencies to be eligible to receive federal funds.

78 (5) Nothing in this chapter shall be construed either to
79 infringe upon or to supersede the rights guaranteed public
80 employees under chapter 447.

81 Section 2. Section 110.127, Florida Statutes, reads:
82 110.127 Penalties.—

83 (1) Any person who willfully violates any provision of
84 this chapter or of any rules adopted pursuant to the authority

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85 herein granted is guilty of a misdemeanor of the second degree,
86 punishable as provided in s. 775.082 or s. 775.083.

87 (2) The provisions of s. 112.011 to the contrary
88 notwithstanding, any person who is convicted of a misdemeanor
89 under this chapter shall be, for a period of 5 years, ineligible
90 for appointment to or employment in a position in the state
91 service and, if an employee of the state, shall forfeit his or
92 her position.

93 (3) Imposition of the penalties provided in this section
94 shall not be in lieu of any action which may be taken or
95 penalties which may be imposed pursuant to part III of chapter
96 112.

97 Section 3. This act shall take effect October 1, 2010.