



758374

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Ingoglia) recommended the following:

1 **Senate Substitute for Amendment (649870) (with title**
2 **amendment)**

3
4 Delete lines 304 - 309

5 and insert:

6 Section 7. Paragraph (c) of subsection (1), paragraph (a)
7 of subsection (2), and subsection (3) of section 448.095,
8 Florida Statutes, are amended, and paragraphs (g), (h), and (i)
9 are added to subsection (2) of that section, to read:

10 448.095 Employment eligibility.—

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



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12 ~~(c) "Department" means the Department of Economic~~
13 ~~Opportunity.~~

14 (2) PUBLIC EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS.—

15 (a) ~~Beginning January 1, 2021,~~ Every public employer,
16 contractor, and subcontractor shall register with and use the E-
17 Verify system to verify the work authorization status of all
18 newly hired employees. A public employer, contractor, or
19 subcontractor may not enter into a contract unless each party to
20 the contract registers with and uses the E-Verify system. A
21 public employer, contractor, or subcontractor must retain a copy
22 of the official verification generated by the E-Verify system
23 and any supporting documentation used to generate the
24 verification for at least 5 years after the date the
25 verification was generated.

26 (g)1. A public employer, contractor, or subcontractor that
27 establishes compliance with this subsection with respect to the
28 hiring of an unauthorized alien has established a rebuttable
29 presumption that the public employer, contractor, or
30 subcontractor has not violated this section with respect to such
31 hiring.

32 2. A public employer, contractor, or subcontractor may not
33 continue to employ an unauthorized alien after obtaining
34 knowledge that a person is or has become an unauthorized alien.

35 (h)1. For the purpose of enforcement of this section, the
36 following persons or entities may request, and a private
37 employer must provide, copies of any documentation relied upon
38 by the public employer, contractor, or subcontractor for the
39 verification of a person's employment eligibility, including,
40 but not limited to, any documentation required under paragraph



41 (a) or paragraph (b) :
42 a. The Department of Law Enforcement.
43 b. The Attorney General.
44 c. The state attorney.
45 d. The statewide prosecutor.
46 e. The Department of Economic Opportunity.
47 2. A person or entity that makes a request under this
48 paragraph must rely upon the Federal Government to verify a
49 person's employment eligibility and may not independently make a
50 final determination as to whether a person is an unauthorized
51 alien. If the person or entity determines or finds that a public
52 employer, contractor, or subcontractor has violated this
53 section, the person or entity must notify the Department of
54 Economic Opportunity.
55 (i) If a public employer, contractor, or subcontractor does
56 not comply with paragraph (a) or paragraph (b), as applicable,
57 the Department of Economic Opportunity must require the public
58 employer, contractor, or subcontractor to provide an affidavit
59 to the department stating that the entity will comply with
60 paragraphs (a) and (b), as applicable, the entity has terminated
61 the employment of all unauthorized aliens employed in this
62 state, and the entity will not intentionally or knowingly employ
63 an unauthorized alien in this state.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Between lines 43 and 44

68 insert:

69 public employer, contractor, or subcontractor to



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70 retain specified copies for at least a certain number
71 of years; creating a certain rebuttable presumption
72 that the public employer, contractor, or subcontractor
73 has not violated specified provisions with respect to
74 the hiring of an unauthorized alien; prohibiting a
75 public employer from continuing to employ an
76 unauthorized alien after obtaining knowledge that a
77 person is or has become an unauthorized alien;
78 authorizing specified persons or entities to request,
79 and requiring a public employer to provide, copies of
80 specified documentation; requiring a public employer,
81 contractor, or subcontractor to provide an affidavit
82 to the Department of Economic Opportunity under
83 certain circumstances; requiring a