

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Eskamani offered the following:

3 **Amendment (with title amendment)**

4 Between lines 133 and 134, insert:

5 **Section 4. Section 443.12153, Florida Statutes, is created**
6 **to read:**

7 443.12153 Employer misrepresentation; false reporting.—

8 (1) An employer who knowingly makes a false statement,

9 knowingly misrepresents a material fact, or knowingly fails to
10 disclose a material fact in connection with a claim for
11 reemployment assistance benefits for the purpose of preventing
12 or reducing the payment of benefits commits a material
13 misrepresentation in violation of this section. For purposes of

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14 this section, material misrepresentation includes, but is not
15 limited to, any of the following:

16 (a) Falsely asserting that a claimant voluntarily quit
17 employment.

18 (b) Falsely asserting misconduct connected with work.

19 (c) Falsely reporting a recall to work that was not
20 offered in good faith.

21 (d) Submitting fabricated or altered documentation.

22 (e) Failing to correct information the employer knows to
23 be materially inaccurate.

24 (2) (a) If the Department of Commerce determines that an
25 employer has violated this section, the department may do any of
26 the following:

27 1. Assess an administrative fine of not less than \$500 and
28 not more than \$5,000 per violation.

29 2. Require repayment to the Unemployment Compensation
30 Trust Fund of any administrative costs incurred as a result of
31 the misrepresentation.

32 3. Refer the matter to the appropriate prosecuting
33 authority if the conduct constitutes fraud under general law.

34 4. Consider the violation in determining the employer's
35 future eligibility for experience rating adjustments.

36 (b) Each knowingly false submission by an employer related
37 to a claimant's benefit eligibility constitutes a separate
38 violation.

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39 (3) The Department of Commerce shall include in its annual
40 report the number of employer misrepresentation determinations
41 made under this section and any penalties assessed.

42 (4) This section may not be construed to penalize good
43 faith errors promptly corrected upon notice from the department.

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46 **T I T L E A M E N D M E N T**

47 Remove line 15 and insert:

48 annual reporting requirements; creating s. 443.12153,
49 F.S.; providing circumstances under which employers
50 are deemed to commit material misrepresentation;
51 providing penalties; providing that each knowingly
52 false submission by an employer constitutes a separate
53 violation; requiring the department to include certain
54 information in its annual report; providing
55 construction; providing an effective

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