

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Randolph offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 412-442 and insert:

5 exceed \$7,150. However, the total amount of benefits, if not a
6 multiple of \$1, is rounded downward to the nearest full dollar
7 amount. These benefits are payable at a weekly rate no greater
8 than the weekly benefit amount.

9 (c) For claims submitted during a calendar year, the
10 duration of benefits is limited to:

11 1. 16 weeks if the Florida average unemployment rate is at
12 or below 5 percent.

13 2. An additional week in addition to the 16 weeks for each
14 0.5 percent increment in the Florida average unemployment rate
15 above 5 percent, up to a maximum of 26 weeks.

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16 (d) Notwithstanding any other provision in this section,
17 an eligible individual whose employer has violated the
18 provisions of s. 435.12 within 36 months after the individual
19 filing for benefits is entitled to benefits equal to twice the
20 amount described in this section.

21 (e)2- For the purposes of this subsection, wages are
22 counted as "wages for insured work" for benefit purposes with
23 respect to any benefit year only if the benefit year begins
24 after the date the employing unit by whom the wages were paid
25 has satisfied the conditions of this chapter for becoming an
26 employer.

27 (f)(b)- If the remuneration of an individual is not based
28 upon a fixed period or duration of time or if the individual's
29 wages are paid at irregular intervals or in a manner that does
30 not extend regularly over the period of employment, the wages
31 for any week or for any calendar quarter for the purpose of
32 computing an individual's right to employment benefits only are
33 determined in the manner prescribed by rule. These rules, to the
34 extent practicable, must secure results reasonably similar to
35 those that would prevail if the individual were paid her or his
36 wages at regular intervals.

37 Section 9. Section 435.12, Florida Statutes, is created to
38 read:

39 435.12 Employment of unauthorized aliens.-

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

41 (a) "Employee" means any person who performs employment
42 services in this state for an employer pursuant to an employment
43 relationship between the employee and employer.

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44 (b) "Employer" means any individual or type of
45 organization transacting business in this state and employing
46 one or more individuals who perform employment services in this
47 state.

48 (c) "E-Verify system" means the Employment Authorization
49 Program, formerly the "Basic Pilot Program," under Pub. L. No.
50 104-208, Div. C, Title IV, Subtitle A, 110 Stat. 3009-655 (Sept.
51 30, 1996), as amended, or any successor program designated by
52 the Federal Government for verification that an employee is an
53 employment-authorized alien.

54 (d) "Knowingly employ an unauthorized alien" means the
55 actions described in 8 U.S.C. s. 1324a. This term shall be
56 interpreted consistently with 8 U.S.C. s. 1324a and any
57 applicable federal rules and regulations.

58 (e) "Unauthorized alien" means an alien who is not
59 authorized under federal law to be employed in the United
60 States, as described in 8 U.S.C. s. 1324a(h)(3).

61 (2) An employer may not knowingly employ an unauthorized
62 alien.

63 (3) Beginning July 1, 2011, an employer with more than 25
64 employees must use the E-Verify system to verify the employment
65 eligibility of all newly hired employees.

66 (4) For the purposes of this section, compliance with
67 subsection (3) creates a rebuttable presumption that an employer
68 did not knowingly employ an unauthorized alien in violation of
69 subsection (2).

70 (5) (a) An employer who knowingly employs an unauthorized
71 alien commits a misdemeanor of the second degree, punishable as
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72 provided in s. 775.082 or s. 775.083, shall be assessed a fine
73 of \$10,000 for each unauthorized alien knowingly employed, and
74 shall be ineligible to bid on any local or state government
75 project or contract for 3 years. Any and all fines collected
76 pursuant to this subsection shall be deposited into the
77 Unemployment Compensation Trust Fund.

78 (b) On receipt of a complaint that an employer allegedly
79 knowingly employs an unauthorized alien, the state attorney with
80 jurisdiction over the county in which the unauthorized alien was
81 employed shall investigate the complaint and shall verify the
82 employment eligibility of the alleged unauthorized alien. A
83 person who knowingly files a false or frivolous complaint under
84 this section commits a misdemeanor of the second degree,
85 punishable as provided in s. 775.082 or s. 775.083.

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

90 Remove lines 22-24 and insert:

91 F.S.; providing a definition; revising the calculation of the
92 number of weeks of a claimant's benefit eligibility; creating s.
93 435.12, F.S.; providing definitions; prohibiting an employer
94 from employing an unauthorized alien; requiring certain
95 employers to use the Employment Authorization Program to verify
96 the employment eligibility of each newly hired employee on or
97 after a specified date; providing penalties; providing
98 procedures for complaints alleging that an employer has employed

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99 an unauthorized alien; providing penalties; amending s.
100 443.1216,