



758374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
	.	
	.	
	.	

---

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:



758374

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



758374

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



758374

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