

FLORIDA

Florida's New Immigration Law Requires Employers to Use E-Verify

On May 11, 2023, Florida adopted an immigration bill, [Senate Bill \(SB\) 1718](#). Among other things, this bill will require employers to use the federal E-Verify system (E-Verify) to confirm their employees' eligibility to work in the United States. SB 1718 becomes effective on July 1, 2023.

SB 1718 Overview

SB 1718 prohibits any person, entity or organization from issuing identification documents to individuals who are unlawfully present in the United States. It also invalidates using identification documents issued by other states to these individuals and requires certain hospitals to collect patient immigration status data on admission or registration forms.

Finally, SB 1718 requires the Florida Department of Economic Opportunity (DEO) to penalize employers that knowingly allow unauthorized individuals to work without verifying their employment eligibility through the federal E-Verify system. The severity of the penalty will depend on the number of unauthorized individuals working for the employer.

E-Verify Requirement

SB 1718 will require public agencies and employers with 25 or more employees to use E-Verify to confirm the employment eligibility of new employees. Affected employers will need to certify annually to the DEO that they are in compliance with this requirement. Employers with 24 or fewer employees that voluntarily use E-Verify may also certify their compliance annually.

Affected employers will need to confirm each new hire's employment eligibility within three business days of the new hire's first day of work. Should E-Verify be unavailable for three business days, employers must use Form I-9 to verify employment eligibility. In these cases, employers will need to document the unavailability of E-Verify.

Important Dates

May 11, 2023

Florida adopted SB 1718.

July 1, 2023

Effective date for SB 1718.

July 1, 2024

Florida's DEO will begin enforcing compliance with SB 1718 and penalizing affected employers that fail to use E-Verify.

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