Engage PEO Client Alert

Florida New E-Verify Requirement For Private Employers

WHAT'S NEW: Starting on July 1, 2023, private Florida employers with 25* or more employees are required to use the E-Verify system to verify a new employee's eligibility to work within 3 business days after the employee begins working.

WHAT IT MEANS:

Florida Employers who fail to comply with the state's required use of E-Verify to verify employment eligibility will be subject to administrative fines based on the number of unauthorized employees and history of prior violations (enforcement will begin in July 2024). Further, an employer that fails to comply with the new requirement may have all of their state-issued licenses suspended or revoked and be required to repay economic development funding to the Florida Department of Commerce.

Private employers are *already* prohibited by federal and state law from hiring or continuing to employ individuals that are not authorized to work in the United States. An employer that knowingly employs an individual that is not authorized to work in the United States may receive expensive administrative fines for first offenses and criminal charges for subsequent offenses. Currently Florida plans to begin penalty enforcement in July 2024.

Employers that use the E-Verify system to verify employment eligibility are able to show an initial defense to claims that the employer violated the law by recruiting or hiring individuals that are unauthorized to work in the United States.

WHAT EMPLOYERS SHOULD DO:

To comply with the new Florida law, clients who are private employers with 25* or more employees should:

- Establish an E-Verify account; or enter into an agreement to utilize an existing E-Verify account; and
- Utilize E-Verify to verify the employment eligibility for all new employees.

In addition to utilizing the E-Verify system, the law requires clients to comply with following:

- Keep copies of all documents provided for the verification of work eligibility, the I-9 Form, and eligibility determinations issued by E-Verify for at least 3 years, regardless of who processes E-Verify for the company.
- Follow specific guidelines to verify employment eligibility when the E-Verify system is down and complete re-verifications immediately once the system is back up and running.
- Certify on the first tax return filed each calendar year to the Florida Department of Revenue that it is in compliance with this section.

As a reminder, Engage is able to assist with your compliance with and processing of E-Verify. You must opt-in to this service.

*As of the publishing of this alert, Florida has not clarified whether “25 or more employees” means 25 employees within the state or within the company.

Please reach out to your Engage Account Manager if you would like to utilize E-Verify services and/or your Human Resources Consultant if you have any questions concerning this alert or other H.R.-related matters.