

Alert | Immigration & Compliance



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E-Verify: Florida Senate Passes Bill Requiring State Employers With 25 or More Employees to Use Platform Effective July 1

UPDATE: On May 10, 2023, Gov. DeSantis signed SB 1718 into law.

Florida may soon enact significant legislation relating to immigration, [HB 1617/SB 1718](#). The bill, which the Senate passed April 28, among other things, includes a requirement that private employers with more than 25 employees use the federal government's E-Verify system for newly hired employees beginning July 1, 2023. E-Verify is an online system that determines employment eligibility by comparing an employee's information with government records, initially launched in 1996.

Florida's E-Verify laws have a relatively recent history, with the state's initial requirements for public employers and contractors to use the E-Verify system beginning Jan. 1, 2021. The 2021 law requires every public employer, contractor, and subcontractor to use the E-Verify system to verify the work authorization status of all newly hired employees. With the passage of this most recent legislation, the requirement would, if signed into law, extend to private employers with 25 or more employees that would be required to verify employment eligibility of their new employees using the E-Verify system. Under the proposed legislation, failure to correctly use the E-Verify system would carry considerable consequences, with potential Florida Department of Economic Opportunity fines of \$1,000 per day until the employer provided sufficient proof to the department that the noncompliance was resolved.

The rationale behind Florida's E-Verify requirements aligns with other federal and state laws that prohibit employing individuals who are not authorized to work in the United States. These laws are designed to ensure that only those legally eligible to work in the United States are employed, and that employers who violate these laws risk significant penalties and other consequences. However, the potential administrative burden and financial consequences of putting the bill into effect may leave Florida private employers responsible for an immigration work authorization process viewed by some as outdated and poorly functioning.

Overview of E-Verify Requirements by State

In ongoing efforts to help curb illegal immigration, U.S. states beyond Florida have enacted laws mandating the use of E-Verify in recent years.

However, some states, such as California, have moved in the opposite direction, prohibiting private employers from using E-Verify in most instances.

Currently, there are 27 U.S. states that require at least some employers to use E-Verify. Some of these states require all employers to use the system, while others only require it for certain types of employers or industries.

The following identifies which states require E-Verify and under what circumstances:

Alabama: All employers are required to use E-Verify.

Arizona: All employers are required to use E-Verify.

Arkansas: All employers with four or more employees are required to use E-Verify.

Colorado: All employers with one or more employees are required to use E-Verify.

Florida: All employers would be required to use E-Verify beginning July 1, 2023, if the bill becomes law.

Georgia: All employers with one or more employees are required to use E-Verify.

Idaho: All employers are required to use E-Verify.

Indiana: All employers with more than one employee and who are not exempt are required to use E-Verify.

Iowa: All employers with four or more employees are required to use E-Verify.

Kansas: All employers are required to use E-Verify.

Louisiana: All employers with one or more employees are required to use E-Verify.

Michigan: All state contractors and subcontractors are required to use E-Verify.

Mississippi: All employers are required to use E-Verify.

Missouri: All public employers and employers with contracts with public entities are required to use E-Verify.

Nebraska: All employers with one or more employees are required to use E-Verify.

North Carolina: All employers with more than 25 employees are required to use E-Verify.

Oklahoma: All employers with one or more employees are required to use E-Verify.

Pennsylvania: All public employers and all employers with contracts with public entities are required to use E-Verify.

South Carolina: All employers are required to use E-Verify.

Tennessee: All employers with six or more employees are required to use E-Verify.

Texas: All employers are required to use E-Verify.

Utah: All employers are required to use E-Verify.

Virginia: All state agencies and public contractors are required to use E-Verify.

West Virginia: All employers with five or more employees are required to use E-Verify.

Wisconsin: All public contractors and subcontractors are required to use E-Verify.

Wyoming: All state contractors and subcontractors are required to use E-Verify.

North Dakota: All public employers are required to use E-Verify.

The laws regarding E-Verify vary from state to state, so employers should consult with a qualified attorney to ensure that their operations are in compliance with the law. Failure to comply with these laws could result in significant penalties and other legal consequences.

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