

SB1718 FOR FLORIDA EMPLOYERS

Employment and E-Verify Considerations

FL 1718 makes it a violation of state law for any person to knowingly employ, hire, recruit, or refer, either for themselves or on behalf of another, for private or public employment a foreign national who is not authorized to work in the United States **effective July 1, 2023**.

ACTIONS REQUIRED OF EMPLOYERS

Verify New Employees and Use E-Verify:

- SB 1718 requires employers to verify new employees' work authorization within three business days and requires private employers who employ 25 or more employees, who are performing services in Florida, to use E-Verify to confirm new employees' work authorization.
- SB 1718 will penalize employers for failing to verify employment authorization and criminalize noncitizens who knowingly use false identification documents to obtain employment.

ACTIONS NOT REQUIRED OF EMPLOYERS

- **Re-check Employees Already in E-Verify:** Employers are not permitted to use E-Verify to "re-check" the employment authorization of individuals they already employ.
- **Continue Employment with No Work Authorization:** Employers are not permitted to continue to employ an individual if they obtain knowledge the individual lacks work authorization.

Non-Compliance: Employers will have **30 days to cure** any noncompliance. Failure to use the E-Verify system three times in a 24-month period will result in a \$1,000 fine per day until proof of compliance is provided.

Other Considerations and Exceptions:

- **Employee leasing companies** that specifically place the primary obligation for E-Verify compliance upon client companies will not be required to verify employment eligibility of new employees of client companies, under written agreement.
- **Public agencies** must contractually require contractors and subcontractors to register with and use the E-Verify system. Each party must use E-Verify to be permitted to enter into a contract.
- For more information regarding the impact of SB 1718 on your organization, please contact the Americans for Immigrant Justice or find a lawyer at **www.ailalawyer.org**.



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IMMIGRATION
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ASSOCIATION



**Americans for
Immigrant Justice**

Americans for Immigrant Justice
6355 NW 36th St, Suite 2201
Miami, FL 33166
305-573-1106
info@aijjustice.org
aijjustice.org