

Florida Bill 1718 Would Require Some Employers to Use E-Verify System

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The Florida legislature recently passed [Senate Bill \(SB\) 1718](#), which, if signed into law, would require both private employers with twenty-five or more employees and public employers in Florida to use the E-Verify system to verify the employment eligibility of new employees starting July 1, 2023. The Florida Senate enrolled the bill on May 2, 2023, and Governor Ron DeSantis is expected to sign it into law.

Quick Hits

SB 1718 recently passed the Florida legislature and is awaiting the governor's signature.

The bill would require Florida employer to use the E-Verify system effective July 1, 2023.

Employers will have 30 days to cure noncompliance; and those that have failed to use the E-Verify system three times in a 24-month period will be fined \$1,000 per day until proof of compliance has been provided.

Provisions of the Bill

Employee leasing companies that specifically place the primary obligation for E-Verify compliance upon client companies—in “a written agreement or understanding”—will “not [be] required to verify employment eligibility of any new employees of the client compan[ies].”

Public agencies must contractually require that contractors and subcontractors “register with and use the E-Verify system.” Each party must use E-Verify in order to be permitted to enter into a contract.

Should the Florida Department of Economic Opportunity (DEO) determine that an employer has failed to use the E-Verify system when it is required to do so, the department will notify the employer of the noncompliance. The notified employer will have 30 days to cure the noncompliance. If the DEO determines that an employer failed to use the E-Verify system 3 times in any 24-month period, it may impose a fine of \$1,000 per day until the employer provides satisfactory evidence that it has rectified the noncompliance.

Enforcement of the E-Verify law can be carried out by, amongst other entities, the Florida Department of Law Enforcement.

Ogletree Deakins' [Immigration Practice Group](#) will continue to monitor

developments with respect to SB 1718 and other state immigration policy changes and will post updates on the [Immigration](#) blog as additional information becomes available. Important information for employers is also available via the firm's [webinar](#) and [podcast](#) programs.