



E-Verify: Immigration Law Compliance for Employers with Florida Workforces

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Anna Scully and Doug Gartenlaub authored an article for the July 2023 issue of HR.com's HR Legal and Compliance offering insight on Florida's Senate Bill 1718 that mandates E-Verify for employers and threatens economic incentives and business license suspension for knowingly employing unauthorized workers effective July 1, 2024.

"When federal and state immigration laws prohibit employers from 'knowingly' employing unauthorized workers, the most practical definition of knowledge in this context is failing to verify the worker's work authorization by using the prescribed method, which is Form I-9," Scully and Gartenlaub said. "In other words, if an employer does not complete an I-9 form for its workers, the employer can be said to be knowingly employing unauthorized workers."

E-Verify adds a second layer to verification afforded by taking the information collected when completing Form I-9 and comparing it to Social Security and Homeland Security databases. While an employer in possession of a work-authorized E-Verify case for each worker arguably enjoys a safer harbor in the event a worker is later found not to be authorized, that safe harbor could be lost if it receives information that contradicts the verification results.

Among others, some steps employers can take now are to ensure you have a completed Form I-9 for all employees, reviewing contracts with staffing agencies and subcontractors and ensure your company's E-Verify use is compliant.

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