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## Florida Enacts New E-Verify Law

### Background

Florida has passed a new law, effective January 1, 2021, that requires all public employers, contractors, and subcontractors to register with and use the E-Verify system to certify the work authorization of all newly hired employees.

E-Verify is a free federal electronic database that allows employers to quickly validate documentation presented by new hires to establish that they are legally eligible for employment in the US.

In addition, contractors must require subcontractors to provide an affidavit stating that they do not employ, contract with, or subcontract with unauthorized aliens. A copy of this affidavit must be maintained for the duration of the contract.

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## Summary

### What about Private Employers?

Private employers are already required under federal law to verify employment eligibility for new hires with the I-9 Form. Beginning January 1, 2021, private employers are also now required by state law to verify employment eligibility after an offer of employment has been accepted. Private employers are not required to retroactively verify work authorization for continuing employees hired before January 1, 2021. However, they will need to verify employment for continuing employees upon contract renewal or extension.

Private employers can verify employment eligibility by using E-Verify or by requiring individuals to provide the information mandated by Form I-9.

Failure to comply with the employment verification requirements may result in the revocation of a business's state license.

## Employer Next Steps

- Public employers, contractors, and subcontractors in Florida will need to register with and use the [E-Verify](#) System to certify work authorization.
- Review HRK's List of I-9's [Do's and Don'ts](#).
- Consider using an electronic I-9 system that will uniformly establish procedures for obtaining, storing, and reverifying eligibility when needed. [Ask HRK](#) to see a demo of our cloud-based I-9 solution.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy or have any questions regarding I-9 compliance, please [email us](#).

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