



## e-Alert

06.23.2023

# New Florida Law to Require Certain Employers to use E-Verify

## Background

**E-Verify** is an electronic employment verification program that allows employers may verify eligibility of employees to work in the United States. E-Verify compares information entered on an employee's Form I-9 to records available with the U.S. Department Homeland Security and Social Security Administration. Initially, E-Verify was a voluntary program, except for most federal contractors, however it has become mandatory for many employers in several states.

Beginning July 1, 2023, a new law in Florida will require private employers with 25 or more employees to use E-Verify.

## Summary

Florida employers with 25 or more employees must begin using E-Verify next month for new hires. This new requirement does not apply to employees hired before July 1, 2023, or independent contractors. Employers with less than 25 employees must continue to verify employees' work authorization through the Form I-9. For employers that are required to enroll in E-Verify, they must also continue having new employees complete the Form I-9 within three business days of hire. The date of hire is the first day of work for pay. Although E-Verify uses information from Form I-9, there are some important

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differences between Form I-9 and E-Verify requirements. For example, E-Verify requires a social security number and a photo on identity documents from [List B](#), unlike the Form I-9.

Employers can [enroll](#) in the E-Verify program online, however, once you start the enrollment process you cannot save your progress. Be sure to allocate enough time to complete your enrollment in one sitting and make sure you have everything you need before you begin. You can visit the [E-Verify Enrollment Process](#) for a list of what you will need.

## Employer Next Steps

We have summarized key steps employers should take to comply with this new law.

- Employers subject to this new law should be prepared to implement the E-Verify system by July 1, 2023
- Employers that operate in multiple jurisdictions must be aware of how mandatory E-Verify requirements will or could impact their organization.
- This new law comes at the same time as temporary flexibilities for remote Form I-9 inspection comes to an end on July 31, 2023; see our [e-Alert](#) for further detail
- If you have any questions regarding this e-Alert or would like to learn more about our cloud-based I-9 Solution with a remote employee feature, please [email us](#)

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