

## Changes to Florida Law Requiring Mandatory Use of E-Verify for Certain Employers

Florida has passed a new law effective January 1, 2021, that will make use of E-Verify mandatory for all government employers and certain private employers. Governor Ron DeSantis signed legislation to require all public employers, which will include local school districts, public colleges and universities, state and local agencies, as well as their private contractors, to use E-Verify to confirm the employment eligibility of all new employees.

Additionally, the new Florida law will require any private employer who does not use E-Verify to maintain copies of the documents used to complete the Form I-9 for three years. The current requirement is to retain these documents for at least one year from the date the employee is terminated or three years from the employee's date of hire, whichever is later.

Beginning January 1, 2021, every public employer, contractor, and subcontractor in Florida must enroll in and use the E-Verify system. No public contracts will be able to be entered into without an E-Verify certificate. Any subcontractor working on a public contract must provide the contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with unauthorized persons. Private employers will also be required to use the E-Verify system for any services contracted with a public employer.

Until now, E-Verify has been a voluntary program in Florida. For those unfamiliar with the system, E-Verify is an electronic database intended to help employers confirm that I-9 documentation provided by new hires evidencing employment authorization are legitimate. Governor DeSantis appears to have favored this option in protecting the local labor market in response to Florida's increased unemployment rate due to COVID-19.

More information is expected to become available prior to implementation. For now, all public employers and those who bid on public contracts should take steps to ensure they are familiar with this new requirement and prepared to become compliant come January 1, 2021.



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