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- On today's solo episode we're gonna cover the recent bill passed in Florida requiring private employers to use E-Verify. Florida Governor Ron DeSantis recently signed a bill that will impact employers nationwide. On May 10th, 2023, the governor approved SB 1718, the immigration bill which will not only address immigration, and immigration status in Florida, but it also addresses how private employers will conduct business moving forward after July 1st of 2023. So let's start with a little bit of a history lesson. While this may seem like a surprise to some employers, there has been a historical push for the utilization of E-Verify in Florida since early 2020. On March 12th of 2020, the State Employment Verification Eligibility Act was signed, which required employers to verify their workforce employment eligibility. This meant that even private employers have been required to use E-Verify or alternative methods to verify employment eligibility for any newly hired employees or extend contract employees since January 1st of 2021. Additionally, back on January 1st, 2021, public employers, contractors and subcontractors were required to register and use E-Verify for all newly hired employees. So let's get back to the upcoming changes. Starting July 1st, 2023, all private employers in Florida with 25 or more employees will be required to use E-Verify for new employees. It's still not clear in the bill if that marker of 25 employees is based only on employees in Florida or if it's nationwide. The employee count does not include independent contractors which is interesting to note. Additionally, employers who are required to use E-Verify will be required to certify on their annual re-employment tax return that they are compliant with this requirement. Further details on this requirement will be available at a later date. Employers must also retain documents used to verify employment eligibility for at least three years. Okay, so what are some things not to do? So there's a few other important things to note. E-Verify should not be used to verify employment authorization or identity for applicants and should only be used to verify newly hired employees within three days of hire. In addition, unless an employer is subject to the FAR clause, they should not create an E-verify case for existing employees. If you're wondering what E-Verify is, so for some employers, E-Verify may not be familiar to you. To put it briefly, e-verify works by electronically comparing the information from an employee's form I-9, with records available to SSA and or DHS to verify the identity and employment eligibility of each newly hired employee and or employee assigned to cover a federal contract. So where do we go from here? All employers should continue collecting and processing form I-9 as they would've had in the past. If employers did not collect copies of documents used to authorize employment eligibility, internal process and policies will need to be updated. It is best to formally document these

policies in the event of an audit. And if you operate in multiple states, you may wish to note if these policies are specific only to your Florida locations. Employers may want to consult with an employment council to determine if they meet the broader requirements for registration. It is important that employers who are required to comply with the new legislation should enroll in E-Verify before July 1st, 2023 through E-Verify directly. Or you could reach out to your HCM provider to see if they can get added to your module, if that's something their ATM provider provides for you. Employers already enrolled in E-Verify will continue to do business as usual. For those who aren't, failing to register and use E-Verify may result in the revocation of applicable Florida licenses held by those employers. So it's really important to remember that July 1st, 2023 date and make sure that you're all set when it comes to this new bill, SB 1718.

- I hope you enjoyed today's episode. You can find show notes and dates at the hrmixtape.com. Come back often and please subscribe, rate and review.