

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 955](#)

TITLE: Employment Eligibility

SPONSOR(S): Jacques

COMPANION BILL: [SB 1498](#) (Ingoglia)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Industries & Professional Activities](#)

12 Y, 4 N



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill expands Florida's E-Verify employment eligibility verification requirements so that all private employers are required to use the E-Verify system, ensuring that every new hire is legally authorized to work in the United States, beginning on July 1, 2025.

Fiscal or Economic Impact:

Indeterminate. The bill may have an indeterminate fiscal impact on state government and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

The bill expands Florida's [E-Verify](#) employment eligibility requirements, as follows:

- Beginning July 1, 2025, requires all [private employers](#) to use the E-Verify, not just employers with 25 or more employees.
- Removes the requirement that employers that voluntarily use the E-Verify system to certify such use on their tax returns. (Section [1](#))

The effective date of the bill is July 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Indeterminate. The bill may have an indeterminate fiscal impact on state agencies related to enforcement.

PRIVATE SECTOR:

Indeterminate. Businesses may have additional workload related to the employment verification requirements and may be subject to fines related to violations.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Florida E-Verify Law](#)

Florida's E-Verify law provides the following employment eligibility verification requirements:¹

¹ S. [448.095\(2\)\(a\) and \(b\)](#), F.S.

- **Public employers:** Are required to use the E-Verify system to verify a new employee's employment eligibility.
- **Private employers with 25 or more employees:** Since July 1, 2023, are required to use the E-Verify system to verify a new employee's employment eligibility.

Each employer required, or who volunteers, to use the E-Verify system, is required to certify on its first return each calendar year to the tax service provider that it is in compliance with the E-Verify requirements when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.²

If the E-Verify law provides requirements for employers when the system is unavailable,³ requires employers to retain documentation of verifications,⁴ and prohibits an employer from continuing to knowingly employ an unauthorized alien.⁵

Florida's E-Verify law also provides an exception from the verification requirements for certain employee leasing companies that applies to certain new employees of the client company. However, in the absence of a written agreement, the employee leasing company is responsible for compliance, and remains an employer as otherwise defined in federal laws or regulations.⁶

The following entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:⁷

- The Department of Law Enforcement (FDLE);
- The Attorney General (AG);
- The state attorney in the circuit in which the new employee works;
- The statewide prosecutor; or
- The Department of Commerce (DC).

These entities must rely upon the Federal Government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.⁸

An employer that uses the E-Verify system or, if that system is unavailable, the Employment Eligibility Verification form (Form I-9), with respect to the employment of an unauthorized alien has established a rebuttable presumption that the employer has not violated the state prohibition on hiring unauthorized aliens,⁹ with respect to such employment.¹⁰

An employer that uses the same documentation that is required by the United States Citizenship and Immigration Services on its Form I-9 with respect to the employment of an unauthorized alien, has established an affirmative defense that the employer has not violated the state prohibition on hiring unauthorized aliens,¹¹ with respect to such employment.¹²

The DC is responsible for the administration of compliance requirements, as follows:¹³

- Beginning July 1, 2024, if it determines that an employer failed to use the E-Verify system, the DC is required to:
 - Notify the employer of its determination; and

² S. [448.095\(2\)\(b\)3, F.S.](#)

³ S. [448.095\(2\)\(c\), F.S.](#)

⁴ S. [448.095\(2\)\(d\), F.S.](#)

⁵ S. [448.095\(2\)\(e\), F.S.](#)

⁶ S. [448.095\(2\)\(f\), F.S.](#)

⁷ S. [448.095\(3\)\(a\), F.S.](#)

⁸ S. [448.095\(3\)\(b\), F.S.](#)

⁹ S. [448.09, F.S.](#)

¹⁰ S. [448.095\(4\)\(a\), F.S.](#)

¹¹ S. [448.09, F.S.](#)

¹² S. [448.095\(4\)\(b\), F.S.](#)

¹³ S. [448.095\(6\), F.S.](#)

- Provide the employer with 30 days to cure the noncompliance.
- If it determines that an employer failed to use the E-Verify system as required three times in any 24-month period, it must impose a fine of \$1,000 per day until the employer provides proof of compliance.
- Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to chapter 120, F.S., until the noncompliance is cured.
- Fines must be deposited into the State Economic Enhancement and Development Trust Fund for use by the DC for employer outreach and public notice of the state's employment verification laws.

E-Verify Federal Law

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),¹⁴ which, among other provisions, created various employment eligibility verification programs, including the Basic Pilot program, now referred to as E-Verify. E-Verify is an Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States. E-Verify is administered by DHS in partnership with the Social Security Administration (SSA). It is free for employers to use and provides an automated link to Government records to help employers confirm the employment eligibility of new hires.¹⁵

Originally, the program was available in five of the seven states that had the highest populations of unauthorized aliens and was initially authorized for only 4 years. However, Congress has consistently extended the program's life. It expanded the program in 2004, making it available in all 50 states. In 2008, the federal government began requiring any entity that maintained or applied for federal contracts to use E-Verify.¹⁶

To use the E-Verify system, an employer must open a "case" for the employee on the system and enter basic information from the employee's Form I-9 (name, address, SSN) into the case.¹⁷ Then, the system checks the submitted information to records that are available to the DHS and SSA, and issues one of the following possible results to the employer:¹⁸

- **Employment Authorized** - The employee's information matched records available to the DHS and/or SSA.
- **E-Verify Needs More Time** - This case was referred to the DHS for further verification.
- **Tentative Nonconfirmation (Mismatch)** - Information did not match records available to the DHS and/or SSA. Additional action is required.
- **Case in Continuance** - The employee has contacted the DHS or visited an SSA field office, but more time is needed to determine a final case result.
- **Close Case and Resubmit** - The DHS or SSA requires that the employer to close the case and create a new case for the employee. This result may be issued when the employee's United States passport, passport card, or driver's license information is incorrect.
- **Final Nonconfirmation** - E-Verify cannot confirm the employee's employment eligibility after the employee contacted the DHS or SSA, the time for resolving the case expired, or the DHS closed the case without confirming the employee's employment eligibility for some other reason.

If the result is Tentative Nonconfirmation, then the employer must notify the employee, who must take further action to verify his or her eligibility. If the result is E-Verify Needs More Time or Case in Continuance, then the E-Verify system needs more time to process the case.¹⁹

E-Verify Defenses for Employers

¹⁴ Pub. L. No. 104-208.

¹⁵ U.S. Citizenship and Immigration Services, *How do I use E-Verify?* <https://www.e-verify.gov/sites/default/files/everify/guides/E4en.pdf> (last visited Mar. 28, 2025).

¹⁶ E-Verify, *History and Milestones*, <https://www.e-verify.gov/about-e-verify/history-and-milestones> (last visited Mar. 28, 2025).

¹⁷ E-Verify, *Verification Process*, for details on how the system works, <https://www.e-verify.gov/employers/verification-process> (last visited Mar. 28, 2025). Before using E-Verify, an employer must enroll and sign a Memorandum of Understanding that provides the terms of agreement between the employer and the DHS. See E-Verify, *The E-Verify Memorandum of Understanding for Employers*, <https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf> (last visited Mar. 28, 2025).

¹⁸ *Id.*

¹⁹ *Id.*

According to federal law, an employer using the I-9 Form, establishing good faith compliance with the law, has established an affirmative defense that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.²⁰

An employer taking the additional steps to use the E-Verify system to verify employment eligibility may establish a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.²¹

The IRCA provides sanctions to be imposed on employers who knowingly employ aliens who are not authorized to work.²² Federal law contains no criminal sanction for working without authorization, although document fraud is a civil violation.²³ The United States Citizenship and Immigration Services (USCIS) enforces these provisions.²⁴

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/HB 1617	Michael, Jacques	Ingolia	The bill became effective July 1, 2023, except as otherwise provided.

OTHER RESOURCES:

[U.S. Department of Homeland Security, E-Verify](#)

[Florida Department of Commerce, E-Verify Compliance](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	12 Y, 4 N	4/1/2025	Anstead	Thompson
Commerce Committee				

²⁰ 8 U.S.C. s. 1324a(a)(3).

²¹ 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation*.

²² 8 U.S.C. s. 1324a(a)(1)-(2).

²³ 8 U.S.C. s. 1324c.

²⁴ 8 U.S.C. s. 1324a.