

Florida Likely to Require Employers to Use E-Verify

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It appears likely that the Florida Legislature will pass legislation this year requiring employers in the state to use the federal E-Verify system for new hires. One pending bill provides that employers who fail to comply will be subject to suspension of any licenses held by the business. This same bill has a proposed effective date of January 1, 2012. As drafted, the law would apply to all businesses that employ one or more employees – so there is no "small business exception" in this law. E-Verify is an Internet-based system, run by the federal government, that allows employers to determine the eligibility of their employees to work within the United States. With E-Verify, the business enters information from employee I-9 forms into the E-Verify system. This information is then matched with computerized data maintained by the Social Security Administration and the Department of Homeland Security. If there is a mismatch, E-Verify alerts the employer. The employee is then given time to resolve discrepancies. Only after a final non-confirmation is termination of the employee appropriate. According to the U.S. Citizenship and Immigration Services, more than 243,000 employers, representing more than 834,000 work sites, currently use E-Verify, including most employers in Arizona and Mississippi, where there are also state laws requiring use of this Internet system. Recent federal statistics indicate that there are around 16 million inquiries a year to the E-Verify system.

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