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**FLORIDA EMPLOYMENT ELIGIBILITY VERIFICATION AND CERTIFICATION  
WRITTEN UNDERSTANDING  
07/12/2023 UPDATE**

The following constitutes a written agreement or understanding between Southeast Personnel Leasing, Inc. (“SPLI”) and each client company of SPLI wherein the parties agree that the client company will certify its own use of the E-Verify system, when applicable.

Each client company is independently responsible for determining its own obligations. Each client company is encouraged to seek appropriate advice from professionals of its own choosing before implementing procedures to comply with recent changes to the Florida employment eligibility and verification process.

Please be advised that SPLI will not verify employment eligibility of any new employees of the client company and/or any new leased employees of SPLI leased to the client company as of 07/01/2023.

***1. What happened?***

The Florida legislature recently passed, and Governor Ron DeSantis signed into law, SB 1718. SB 1718 changes §448.09 and §448.095.

***2. What are some of the big changes to the Florida employment eligibility and verification process?***

Effective **07/01/2023**, §448.09 and §448.095 change as follows:

- §448.09(1) makes it unlawful for any person to knowingly employ an alien who is not duly authorized to work by the immigration laws of the United States.
- §448.09(3) and (4) create penalties for violations of this section, including **suspension or revocation of a license** issued by a licensing agency subject to Chapter 120.
- §448.095(2)(a) mandates that an employer must validate each new employee’s employment eligibility within **3 business days** after the first day that the new employee begins working for pay. For clients not required to E-Verify, this includes collection of Form I-9 supportive documentation. For clients required to E-Verify, this includes collection of Form I-9 supportive documentation AND completion of the E-Verify process.
- §448.095(2)(b) requires that a private employer with **25 or more employees** use the **E-Verify** system to verify a new employee’s employment eligibility.

- §448.095(2)(d) mandates that the employer retain a copy of the documentation provided, and any official verification generated, for at least **3 years**.

### **3. *What is an employee?***

An “employee” is defined as an individual filling a permanent position who performs labor or services under the control or direction of an employer that has the power or right to control and direct the employee in the material details of how the work is to be performed in exchange for salary, wages, or other remuneration.

### **4. *What may happen if a client company employs aliens who are not duly authorized to work?***

The State of Florida may place the client company on probation for the first violation. However, depending on the frequency and number of violations, the State of Florida may suspend and/or revoke any of the client’s licenses as well as assess fines.

### **5. *What does a client company need to do?***

A client company must do the following:

- a. First, it must determine if it has 25 or more employees.
- b. Next, it must determine if it is a contractor or subcontractor who has a contract with a public agency.
- c. If the answer is “no” to a. and b., the client company may not be required to use the E-Verify system.
- d. If the answer is “yes” to either a. or b., the client company may be required to use the E-Verify system.
- e. A client company required to use the E-Verify system must enroll in E-Verify. The following link provides information regarding the E-Verify enrollment process:  
  
<https://www.e-verify.gov/employers/enrolling-in-e-verify/the-enrollment-process>
- f. As of 07/01/2023, a client company required to use the E-Verify system must E-Verify every new employee within 3 days of the first day that the new employee begins working for pay.
- g. A client company required to use the E-Verify system must maintain E-Verify documentation for at least 3 years after the E-Verification process has been completed for each new employee.

6. *§448.095(2)(b)(3) notes that employers required to use the E-Verify system must also certify that they are compliant when making contributions to, or reimbursing, the state's unemployment compensation and reemployment assistance system. How does a client company comply with this requirement when it is an active client of an employee leasing company like SPLI?*

SPLI handles contributions and reimbursements to the state's unemployment compensation and reemployment assistance system. However, impacted clients must still certify compliance pursuant to Section 448.095.

Certifying use of the E-Verify system is most easily achieved through an Employer E-Verify Certification (Form RT-E-Verify). Certification must be completed by (1) the individual owner, (2) the corporate president, treasurer, or other principal officer, or (3) a partner or member/managing member of the client. Each certification statement must be signed and dated to reflect that the client uses E-Verify at the time of certification.

Certification must occur no later than the last day of the month following the quarter in which the first reemployment tax return is due in the calendar year. **For most clients, this means that certification is due in January of each year.**

Client Companies can access an electronic version of the Employer E-Verify Certification, or download a paper copy, from the Department of Revenue's Forms and Publications webpage at [https://floridarevenue.com/Forms\\_library/current/rtEVerify.pdf](https://floridarevenue.com/Forms_library/current/rtEVerify.pdf). Client companies must send completed forms to the following address:

**Account Management  
Florida Department of Revenue  
PO Box 6510  
Tallahassee, Florida 32314-6510**

7. *Does a client company required to use the E-Verify system provide SPLI with an E-Verify confirmation for new employees hired on or after 07/01/2023?*

No. However, the client company must maintain E-Verify documentation for at least 3 years after the E-Verification process has been completed for each new employee. The client company must also provide SPLI with a completed SPLI employee leasing application, as well as a Form I-9, for each new leased employee leased to the client company.

8. *Will SPLI continue to provide E-Verify assistance for new employees to client companies involved in Florida public works projects after 07/01/2023?*

No. Unfortunately, each client company must complete its own E-Verify process as of 07/01/2023.

9. *If a client company required to use the E-Verify system hires a leased employee to work in Florida as well as another mandatory E-Verify state where SPLI completes the E-Verify process separately, does the client company still E-Verify the new employee?*

Yes. The client company must complete its own E-Verify process for each new employee who will perform work in Florida. The client must also retain any official verification generated to ensure compliance with the requirements of the new law.