

20231718er

378 (e) "Subcontractor" means a person or an entity that
379 provides labor, supplies, or services to or for a contractor or
380 another subcontractor in exchange for salary, wages, or other
381 remuneration.

382 (f) "Unauthorized alien" means an individual who is not
383 authorized under federal law to be employed in the United
384 States, as described in 8 U.S.C. s. 1324a(h) (3). The term must
385 be interpreted consistently with that section and any applicable
386 federal rules or regulations.

387 (2) EMPLOYMENT VERIFICATION.—

388 (a) An employer shall verify each new employee's employment
389 eligibility within 3 business days after the first day that the
390 new employee begins working for pay as required under 8 C.F.R.
391 s. 274a.

392 (b)1. A public agency shall use the E-Verify system to
393 verify a new employee's employment eligibility as required under
394 paragraph (a).

395 2. Beginning on July 1, 2023, a private employer with 25 or
396 more employees shall use the E-Verify system to verify a new
397 employee's employment eligibility as required under paragraph
398 (a).

399 3. Each employer required to use the E-Verify system under
400 this paragraph must certify on its first return each calendar
401 year to the tax service provider that it is in compliance with
402 this section when making contributions to or reimbursing the
403 state's unemployment compensation or reemployment assistance
404 system. An employer that voluntarily uses the E-Verify system
405 may also make such a certification on its first return each
406 calendar year in order to document such use.

20231718er

407 (c) If the E-Verify system is unavailable for 3 business
408 days after the first day that the new employee begins working
409 for pay and an employer cannot access the system to verify a new
410 employee's employment eligibility, the employer must use the
411 Employment Eligibility Verification form (Form I-9) to verify
412 employment eligibility. The unavailability of the E-Verify
413 system does not bar the employer from using the rebuttable
414 presumption established in paragraph (4) (a). An employer must
415 document the unavailability of the E-Verify system by retaining
416 a screenshot from each day which shows the employer's lack of
417 access to the system, a public announcement that the E-Verify
418 system is not available, or any other communication or notice
419 recorded by the employer regarding the unavailability of the
420 system.

421 (d) The employer must retain a copy of the documentation
422 provided and any official verification generated, if applicable,
423 for at least 3 years.

424 (e) An employer may not continue to employ an unauthorized
425 alien after obtaining knowledge that a person is or has become
426 an unauthorized alien.

427 (f) An employee leasing company licensed under part XI of
428 chapter 468 which enters into a written agreement or
429 understanding with a client company which places the primary
430 obligation for compliance with this section upon the client
431 company is not required to verify employment eligibility of any
432 new employees of the client company. In the absence of a written
433 agreement or understanding, the employee leasing company is
434 responsible for compliance with this section. Such employee
435 leasing company shall, at all times, remain an employer as

20231718er

436 otherwise defined in federal laws or regulations.

437 (3) ENFORCEMENT.—

438 (a) For the purpose of enforcement of this section, any of
439 the following persons or entities may request, and an employer
440 must provide, copies of any documentation relied upon by the
441 employer for the verification of a new employee's employment
442 eligibility:

443 1. The Department of Law Enforcement;

444 2. The Attorney General;

445 3. The state attorney in the circuit in which the new
446 employee works;

447 4. The statewide prosecutor; or

448 5. The Department of Economic Opportunity.

449 (b) A person or an entity that makes a request under
450 paragraph (a) must rely upon the Federal Government to verify an
451 employee's employment eligibility and may not independently make
452 a final determination as to whether an employee is an
453 unauthorized alien.

454 (4) DEFENSES.—

455 (a) An employer that uses the E-Verify system or, if that
456 system is unavailable, the Employment Eligibility Verification
457 form (Form I-9) as provided in paragraph (2)(c), with respect to
458 the employment of an unauthorized alien has established a
459 rebuttable presumption that the employer has not violated s.
460 448.09 with respect to such employment.

461 (b) An employer that uses the same documentation that is
462 required by the United States Citizenship and Immigration
463 Services on its Employment Eligibility Verification form (Form
464 I-9) with respect to the employment of an unauthorized alien,