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### **E-Verify For Florida Churches**

Date: June 27, 2023  
TO: Florida Churches  
FROM: Liberty First Legal, Inc.  
RE: Florida Statute 448.095(2) – E-Verify

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On May 10, 2023, Florida Governor Ron DeSantis signed Senate Bill 1718 into law amending Florida Statute 448.095 (2)(b)(2) to enforce federal immigration laws, specifically 8 U.S.C. 1324, which makes it a violation of law for employers who employers, **INCLUDING CHURCHES**, to hire aliens without proper work visas.

#### **Current Federal Law & Penalties For Hiring Immigrants Without Proper Work Visas**

- It is unlawful to hire, or recruit for employment an alien knowing the alien is unauthorized.
- It is unlawful to continue to employ an alien knowing the alien is or has become unauthorized.
- Penalties for violating this federal law are a \$3,000 fine for each unauthorized alien and a maximum of six months in prison for each charged offense.

Title 8 U.S.C. § 1324a(a)(1)(A) makes it unlawful for any person or other entity to hire, recruit, or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien, as defined in subsection 1324a(h)(3).

Subsection 1324a(2) makes it unlawful for any person or entity, after hiring an alien for employment, to continue to employ the alien in the United States knowing the alien is or has become an unauthorized alien with respect to such employment.

Subsection 1324a(f) provides that any person or entity that engages in a "pattern or practice" of violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than \$3000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both.

#### **New E-Verify Requirements For Churches Under Florida Statute 448.095 (2)(b)(2)**

- As of July 1, 2023, all NEW employees' eligibility must be verified through E-Verify
- All private employers with 25 or more employees must comply
- **Term "all private employers" includes churches with 25 or more employees**
- Employers must retain E-Verify records for 3 years

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- Employers must certify compliance on their first return every calendar year
- July 1, 2024, employers are subject to penalties; first offense - daily fines of up to \$1,000 and one-year probation.
- Employers will have 30 days to cure non-compliance.

Beginning July 1, 2023, all private employers with 25 or more employees, including churches, must use the E-Verify system to verify all NEW employees' employment eligibility as required under Florida Statute 448.095.

Each employer that is required to use the E-Verify system must certify compliance on its first return when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system. An employer that voluntarily uses the E-Verify system may make such a certification on its first return each calendar year in order to document such use.

For at least three years, the employer must retain a copy of the documentation, as well as any official verification generated, if applicable.

Beginning on July 1, 2024, employers are subject to penalties imposed by the Florida Department of Economic Opportunity (DEO) for noncompliance. Employers who knowingly employ unauthorized immigrants will face severe penalties, including quarterly reporting and suspension or revocation of licenses. Among other things, employers who are found by the DEO to have failed to register and use the E-Verify System three times will face a daily fine of \$1,000, with the first violation resulting in a one-year probationary period. Employers will have 30 days to cure noncompliance after receiving a notice of non-compliance from the DEO.

### **Specific Instructions For Church Compliance**

Liberty First Legal has submitted a formal question to the Florida Attorney General, Ashley Moody, for specific instructions on how churches are to comply with this new law. We have not yet received an answer from the AG's office. As soon as we do, we will issue a new memorandum to Florida churches. Be aware, churches are required to comply with this law starting July 1, 2023, in the best manner possible. Failure to use E-Verify for all NEW hires could result in penalties against your church.

If you have any questions or need additional assistance with this or other legal needs for your church, please contact us at <https://libertyfirst.legal/>

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