

Committee on Judiciary

CS/CS/CS/SB 664 — Verification of Employment Eligibility

by Rules Committee; Commerce and Tourism Committee; Judiciary Committee; and Senators Lee, Gruters, Harrell, and Simmons

The bill requires public employers, contractors, and subcontractors to use E-Verify, and requires private employers to use E-Verify or to use the Form I-9 and maintain copies of the documents used to complete the I-9 for 3 years. E-Verify is a free, Internet-based system through which an employer may quickly confirm that a newly hired employee is authorized to work in the United States. To use E-Verify, an employer inputs information from an employee's I-9 and, usually within seconds, obtains a result. In FY 2019, 98.5 percent of the persons run through E-Verify were automatically confirmed as "work authorized."

The bill requires a party to a public contract to terminate the contract if it believes in good faith that another party is employing an unauthorized alien or is not registered with and using E-Verify. The bill specifies that the termination is not a breach of contract. However, a contractor whose contract is terminated for failing to use E-Verify or for knowingly employing an unauthorized alien is liable for any additional costs incurred by the public employer resulting from the termination.

To enforce the eligibility-verification requirements for *private* employers, the bill requires an employer to provide an employee's eligibility-verification documents to any of several government agencies upon request. These agencies, in turn, must request the federal government to check the employee's work-eligibility status.

Moreover, if a private employer does not use E-Verify or the bill's I-9 procedure to verify and document an employee's eligibility for employment, the Department of Economic Opportunity must send the employer a notice, and the employer must terminate any unauthorized employees, begin using E-Verify or the bill's I-9 procedure, and respond with an affidavit of compliance within 30 days. If the employer does not do so, it faces the potential suspension of its business licenses. If an employer fails to properly respond to a DEO notice three times in any 36 month period, it could permanently lose its business licenses.

Employers and contractors have until January 1, 2021 to begin verifying employment eligibility as required in the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 23-17; House 73-45