



## Florida's New Immigration Law Increases Enforcement Efforts

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In early May, Florida Gov. Ron DeSantis signed into law a significant piece of legislation, FL 1718. This bill has received national attention because of its empowerment of state actors to enforce federal immigration laws.

Most notable for employers, the new law imposes mandatory E-Verify usage for employers with more than 25 employees. E-Verify is a U.S. Department of Homeland Security (DHS) website that allows employers to verify the work authorization eligibility of new hires. Furthermore, this law tightens employment regulations for undocumented workers. The law makes it a state violation to knowingly employ an undocumented worker and requires Florida employers with more than 25 employees to use E-Verify for all new hires. It imposes both civil and criminal penalties for violations of these regulations.

Effective July 1, 2023, the new law seeks to achieve the following objectives:

- Enhance the authority of law enforcement to enforce federal immigration laws
- Criminalize the transporting of an undocumented individual to Florida
- Regulate the data practices of hospitals regarding the immigration status of patients

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- Designate funds for the transporting of undocumented individuals into another state
- Impose mandatory E-Verify usage for employers with more than 25 employees
- Restrict access to licenses

Surely to be watched closely by employers in the healthcare space in Florida and beyond, the new law regulates the data practices of hospitals regarding the immigration status of patients. This information is intended to be used to prepare an annual report to be submitted to the governor and Florida legislature by the Florida Agency for Health Care Administration to estimate the cost of uncompensated care for individuals who are not lawfully present in the United States. However, the immediate effect seems to be not on reporting, but rather on health itself. The requirement for hospitals accepting Medicaid to ask about patients' immigration status during admission reportedly has deterred migrants from seeking necessary medical treatment.

Some of the new legislation's components, such as the criminalization of transporting an undocumented individual to Florida, carry steep punishments. This particular act is classified by the new law as "human smuggling" and is a second-degree felony punishable by up to 15 years in prison. However, the reverse – transporting an undocumented individual to anywhere outside of Florida – is condoned, as the bill appropriated \$12 million to a program with the sole purpose of transporting undocumented individuals to another state.

As noted, the bill received a lot of attention even before it was signed into law by Gov. DeSantis. The [governor's office](#) called it the "strongest anti-illegal immigration legislation in the country." Florida, with more than 800,000 undocumented immigrants, has already begun to feel the effects of such rhetoric. [Reportedly](#), empty fields, abandoned construction sites, and boycotts have been a common sight across the state over the last two months. [Farmworkers](#) in South Florida reportedly are considering relocating out of the state due to fear of persecution, and [construction workers](#) throughout Miami-Dade County are not showing up to work due to the fear of deportation.

Florida's tightening of its E-Verify and immigration enforcement rules is significant, not only for the effect on the local economy, but also as it sets the tone for boundaries to be pushed by other states regarding the use of state resources to enforce federal laws. Employers should closely monitor the enforcement and compliance efforts in each state they do business and consider consulting with legal counsel regarding any legislative changes.

*This article was co-authored by Tieranny Cutler, independent contract attorney.*