

April 13, 2018

Constitution Revision Commission
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399

Re: Oppose Proposal 6010 – Employment Verification

Dear Commissioners,

As you know, Proposal 6010 (previously, Proposal 29) would require Florida to adopt legislation regarding employment eligibility verification. The undersigned respectfully urge you to vote against including this proposal on the November 2018 ballot for the reasons that follow.

First, Proposal 6010 does not belong in the Florida Constitution. Every other state that has adopted employment verification requirements has done so through state statute – not through a constitutional mandate to legislate. A Constitutional mandate in this rapidly evolving policy area could prove rigid, inflexible, and counterproductive. Much may change between now and July 1, 2020 as Congress and the federal courts consider issues arising from existing federal immigration policies. Constitutional intransigence thus makes little sense as a solution to this very complex issue.

Second, the Florida Constitution should not be used to dictate legislative policy. Telling the Florida Legislature what to do and when to do it intrudes on core legislative functions. In all likelihood, Proposal 6010 opens the door to years of litigation over whether the Florida Legislature has done enough to ensure that unauthorized aliens are not working in Florida, but not so much as to intrude on still-evolving federal immigration law.

Third, Proposal 6010 violates federal immigration law. Congress's Immigration Reform and Control Act of 1986 (IRCA) establishes a comprehensive framework for combating the employment of illegal aliens by making it illegal for employers to knowingly hire, recruit, refer or continue to employ an unauthorized worker, and requiring employers to verify prospective an employee's employment authorization status. Notably, IRCA preempts "any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ . . . unauthorized aliens." 8 U.S.C. § 1324a(h)(2). Yet Proposal 6010 calls for the establishment of a statewide program complete with "penalties for failure to comply." "Penalties" are the same as "civil or criminal sanctions." The State cannot impose "penalties" when it comes to immigration law. That is preempted to the federal government.

Finally, the ballot can take only so many proposed amendments. Despite its best grouping efforts, the CRC currently has proposed 12 separate amendments encompassing 24 different issues. The CRC must reduce this number to keep the general election ballot from becoming too crowded and confusing. As noted above, Proposal 6010 does not belong in the Florida Constitution, unnecessarily dictates legislative policy, and might already violate federal immigration law. As such, Proposal 6010 should be one of the proposals the CRC

chooses not to include in order to reduce the number of proposals on the ballot and prevent voter fatigue.

For these reasons, the undersigned respectfully ask that you vote against including Proposal 6010 on the November 2018 ballot. Thank you for your consideration.

Sincerely,

A. Duda & Sons, Inc.
Agri-Gators, Inc.
Alger Farms, Inc.
American Berry Company
Associated Industries of Florida
Associated Builders and Contractors of Florida
Association of Florida Community Developers, Inc.
Bedner Growers, Inc.
B & W Quality Growers, LLC
Clonts Groves, Inc.
Consolidated Citrus L.P.
DiMare Company
Double H Farms
Evans Groves, Inc.
Evans Investments LLC
Far Reach Management LLC
Florida Agritourism Association
Florida Chamber of Commerce
Florida Citrus Mutual
Florida Farm Bureau Federation
Florida Forestry Association
Florida Fruit & Vegetable Association
Florida Home Builders Association
Florida Nursery, Growers and Landscape Association
Florida Pacific Farms LLC
Florida Restaurant and Lodging Association
Florida Trucking Association
Frontier Produce, Inc.
Gargiulo, Inc.
Grower's Management, Inc.
Gulf Citrus Growers Association
Gulfstream Harvesting Inc.
H & A Farms LLC
Hundley Farms, Inc.
Hundley Holdings
Lipman Family Farms
Lost Lake Groves, Inc.
Mack Farms, Inc.

Many H's LLC
Nelson & Co., Inc.
Orsenigo Farms, Inc.
Pacific Tomato Growers Ltd.
Pioneer Growers Cooperative
RC Hatton Inc.
Riverfront Packing Company LLC
Roth Farms, Inc.
Southeast Milk, Inc.
Southern Hill Farms Inc.
Southern Hill Farms Market LLC
Sugarcane Growers Cooperative of Florida
Tater Farms LLC
The Taisho Company
TKM Bengard Farms, LLC
Troyer Brothers FL, Inc.
Twin H Farms
Wild Goose Farms
Wish Farms
Wm. G. Roe & Sons, Inc.