



# Florida Constitution Revision Commission **PROPOSAL 29** Florida Chamber of Commerce **STAFF ANALYSIS**

## **Proposal 29: Employment Authorization Program (E-Verify)**

Commissioner Proposal 29 was introduced by Commissioner Rich Newsome for consideration by the full Constitution Revision Commission. This proposal creates a new section of Article X of the Florida Constitution to require employers to use the federal Employment Authorization Program, also known as E-Verify, or face significant penalties. The proposal also gives sweeping, and possibly unconstitutional, powers to the Department of Business and Professional Regulation to conduct unannounced inspections and interviews of all employees and managers.

### **The Florida Chamber Opposes Proposal 29 for the Following Reasons:**

#### **1. Proposal 29 places a flawed federal program into our state constitution.**

The Florida Chamber of Commerce opposes constitutional proposals that can be accomplished through the legislative process. If other states' experiences are any guides, new immigration policies open up many unintended consequences and the inflexibility of a constitutional mandate cannot be easily changed to adjust to new circumstances. Simply, the Florida Constitution is not the place for complex mandates on businesses.

**2. Proposal 29 gives sweeping powers to the Department of Business and Professional Regulation to search businesses without any judicial review.** Section C of the proposal gives the Department the authority to inspect documents, photograph business records, review financials, and, troublingly, question "any employer, owner, manager, or agent." This state government power would not require a warrant or even judicial review, raising serious Fourth Amendment concerns.

**3. Proposal 29 could jeopardize an entire business's license based on the actions of one employee.** The penalties for a business not using E-verify in a timely matter are excessive and draconian. For one violation by a single employee, a business must issue quarterly reports. For a second violation within three years, a business could lose their license.

**4. Proposal 29 creates a new constitutional cause of action.** Florida's legal climate is already ranked as one of the worst in the nation. With this new and unclear cause of action, our competitiveness could be further harmed by frivolous lawsuits.

**5. Proposal 29 improperly usurps power that is properly the role of the federal government.** Many issues, such as foreign policy or immigration policy, are properly the decided at the federal level. The Florida Chamber of Commerce supports a consistent federal policy of immigration enforcement that avoids unnecessary burdens on employers.

For these reasons, the Florida Chamber of Commerce opposes Proposal 29. If you have any questions on Proposal 29 or any other CRC Proposal, please contact Chris Emmanuel at [cemmanuel@flchamber.com](mailto:cemmanuel@flchamber.com).

"The Florida Constitution is the basis for our rights as Floridians. A flawed federal program, and the significant penalties this proposal imposes with its mandates, has no place in our constitution."

MARK WILSON, President and CEO  
Florida Chamber of Commerce