



E-Verify Opponents And Supporters Wait As DeSantis Begins To Sign Bills

Guamay Martell

April 20, 2020

APOPKA, Fla. — She didn't know how much the bus ticket was, but she knew it was her only option.

The 26-year-old woman hoped the journey from Guatemala to the United States would finally get her and her firstborn son away from his abusive father. Her brother, who had lived in Florida for four years, paid for the ticket.

About two years after applying for asylum, Monica now lives in central Florida with her 11- and 1-year-old sons. Without a legal work permit, she makes about \$400 a week on a construction site cleaning walls and windows.

Monica, who asked to not have her last name published because of concerns of prosecution for working without a permit, has worked for months unaware of a bill that may sweep her income from underneath her feet.

In 2018, then-republican-gubernatorial candidate Ron DeSantis ran on the promise of mandating the statewide use of E-Verify, an online government program that checks if an individual is authorized to work.

SB664, dubbed the "E-Verify bill," was approved by the Florida state legislature after a series of last-minute compromises. The bill requires employers to check and keep track of potential employees' legal status to prevent undocumented workers like Monica from getting jobs.

Although the bill made it to the finish line, the session came to an usual end as the COVID-19 outbreak worsened in Florida.

DeSantis previously told reporters that he would focus on the pandemic and hold off on reviewing the almost 200 bills awaiting his signature. He began signing a handful of bills into law April 8.

The E-Verify bill is divisive, not just among Democrats and Republicans, but within the GOP itself.

Many Republican lawmakers were caught between choosing business interests or the conservative voter base during an election year. Business groups — especially the agricultural, construction and hospitality industries that rely on migrant labor — have financially supported Republican campaigns while advocating against E-Verify.

Meanwhile, immigrant rights groups have opposed E-Verify legislation at every turn.

Jeannie Economos, a Farmworker Association of Florida coordinator, said lawmakers play “political football” with workers’ lives by slipping anti-immigrant rhetoric into legislation.

“Campaign promises and rhetoric might help somebody get elected, but it also hurts a lot of people,” she said.

An E-Verify bill has never made it this far in the Sunshine State, although Republican lawmakers have tried. In 2010, then-republican-gubernatorial candidate Rick Scott said he wanted all businesses to use the system. But, a 2011 bill that would have required E-Verify failed.

The legislature took up the issue again after DeSantis took office but squashed it, though the state did ban sanctuary cities.

In January, lawmakers were choosing among two versions of an E-Verify proposal. The first bill, filed by Sen. Tom Lee, a Brandon Republican, required both private and public employers to use E-Verify. The second — filed by Sen. Joe Gruters, a Sarasota Republican and the chairman of the Florida Republican Party — required only public employers to use the program. Senate President Bill Galvano was initially opposed to the E-Verify proposal.

“One's a little bit more aggressive than the other, but at the end of the day, what we're trying to do is we're trying to protect the Florida worker,” Gruters said on the first day of the session. “Washington, D.C., has failed us on illegal immigration.”

Lee’s bill eventually moved through committees while amendments piled up. In February, Lee told reporters he would prod DeSantis to veto the bill if it ever landed on his desk.

The final version of the bill was stripped of an enforcement provision that would allow the state to randomly audit businesses that choose to not use E-Verify, which House Speaker Jose Oliva called un-American.

If DeSantis signs the bill, as he is expected to do, all public employers, contractors and subcontractors must register with the E-Verify system to hire new employees beginning Jan. 1. Private employers have the option of using E-Verify or the documents required for an I-9 form, but they must keep copies of those documents at least three years.

Certain government agencies can request copies of documents from the private employer to verify an employee’s eligibility to work. The bill also penalizes businesses that don’t use E-Verify by essentially making them ineligible to apply for economic development incentives.

Civil liberty groups often blast E-Verify as a “faulty” system.

Kara Gross, the ACLU of Florida legislative director and senior policy counsel, said legal workers have been incorrectly flagged for errors like typos or name changes after marriage. Flagged workers must prove the mistake within eight days.

According to a study by the Cato Institute, a libertarian, pro-immigration think-tank, about 750,000 legal workers have been incorrectly flagged by E-Verify since 2007. E-Verify's government website says more than 98% of cases in the 2019 fiscal year were approved as eligible to work. Of the 1.50% of employees who "received initial system mismatches," 0.23% resolved the issue, according to the website.

Gross criticized DeSantis' persistence despite pushback from Republican, business and faith leaders who say E-Verify would wreck the economy.

"Given that our economy is so fragile right now with everything going on with COVID-19, signing this bill into law will further harm Florida's economy," she said.

The bill also sparked mixed reactions from anti-immigration organizations, like the Federation for American Immigration Reform. Shari Rendall, the FAIR director of state and local engagement, said the bill's approval was "a good first step."

But, for the Center for Immigration Studies, another generally anti-immigration group, the weakened bill is inadequate.

Jessica Vaughan, the center's director of policy studies, said DeSantis should send the bill back to the drawing board for a stricter mandate, especially after thousands of Floridians lost their jobs to the pandemic.

"Now is an ideal time to make sure that once these jobs come back, they come back for legal workers," she said.

As the bill was watered down in Tallahassee, local advocacy groups struggled to keep rural immigrant communities informed about legislation. About 250 miles south in Apopka, Juana Lozano and Yesica Ramirez work in the Farmworker Association's dimly lit office space.

They said the majority of the immigrants and migrants they serve don't know about the bill or what E-Verify is. Nonprofit workers try to educate community members at events by referring to the system as "checking your papers," Lozano said.

If passed, Lozano said, the law may affect about 80% of Apopka's immigrant community to some degree.

"We are part of this community more than you can imagine," Ramirez said.

While sitting in the same office, Monica's 1-year-old son squirms out of her lap and onto the floor. He crawls past his older brother who fiddles with a Rubik's Cube.

She said she's frustrated by lawmakers who "think we're all the same."

"It worries me because there are a lot of undocumented people like me, and not having a job would affect us a lot," she said. "We wouldn't be able to support our families, our sons, we couldn't pay our bills."

Monica learned about E-Verify when she was asked to do an interview with Fresh Take Florida, a news service operated by the University of Florida College of Journalism and Communications. None of the other workers at her construction job know about the bill, although she said the majority of them would be affected.

She wishes she knew sooner.