



**AGENDA REPORT**  
**January 22, 2019**

**Resolution Supporting the Passage of HB 89, District 3**

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**SUBJECT:**

Resolution supporting the passage of House Bill 89

**DEPT/OFFICE:**

District 3

**REQUESTED ACTION:**

Board approval of attached resolution

**SUMMARY EXPLANATION and BACKGROUND:**

Representative Thad Altman has filed House Bill 89 for consideration during the 2019 regular session. Among other provisions, this bill would require businesses to participate in the E-Verify program, similarly situating Florida to its neighboring states.

Should this be passed into law, workers and fair business owners in the County would benefit greatly through a market which no longer incentivizes illegal behavior and gross exploitation.

**ATTACHMENTS:**

**Description**

- ▢ Resolution HB 89



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

January 23, 2019

**M E M O R A N D U M**

**TO:** Frank Abbate, County Manager

**RE:** Item J.4., Resolution Supporting the Passage of HB 89

The Board of County Commissioners, in regular session on January 22, 2019, adopted Resolution No. 19-08, supporting the passage of HB 89 filed by Representative Thad Altman for consideration during the 2019 regular session that would require businesses to participate in the E-Verify program. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Each Commissioner  
County Attorney

## **Resolution 19- 08**

### **Supporting the Passage of House Bill 89**

**WHEREAS**, House Bill 89, an act relating to the verification of lawful employment eligibility, has been introduced by Representative Thad Altman of Dist. 52; and

**WHEREAS**, it is unlawful for a person or entity to employ in the United States an alien who is not authorized to lawfully work within the United States of America; and

**WHEREAS**, the United States Supreme Court, in *Chamber of Commerce v. Whiting*, upheld the authority of state governments to require the utilization of E-Verify as consistent with Federal law<sup>1</sup>; and

**WHEREAS**, responsible employers in the State, including the Brevard County Board of County Commissioners,<sup>2</sup> already utilize E-Verify; and

**WHEREAS**, E-Verify enrollment is free<sup>3</sup>; and

**WHEREAS**, the intentional employment of illegal immigrants have led to a humanitarian crises, essentially creating a modern system of involuntary servitude<sup>4</sup>; and

**WHEREAS**, HB 89 recognizes that it is unfair for lawful employees to be terminated in favor of illegal immigrants who provide cheaper labor<sup>5</sup>; and

**WHEREAS**, HB 89 would create a more equitable marketplace by disincentivizing the employment of illegal immigrants and providing a safe-harbor for those employers who act responsibly<sup>6</sup>; and

**WHEREAS**, many states including, but not limited to, the states of Georgia,<sup>7</sup> Alabama,<sup>8</sup> South Carolina,<sup>9</sup> and Mississippi,<sup>10</sup> require private employers to enroll in the E-Verify program; and

**WHEREAS**, it is in the best interest of the workers of Brevard County, the State of Florida, and the United States of America to ensure that the free-market is not corrupted and manipulated by employers who are acting in bad-faith and with disregard for the law.

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<sup>1</sup> 563 U.S. 582 (2001)

<sup>2</sup> Brevard County Res. 18-132

<sup>3</sup> <https://www.e-verify.gov/about-e-verify/what-is-e-verify> (last accessed Jan. 8<sup>th</sup>, 2019)

<sup>4</sup> See e.g. Ojito, Mirta, "U.S. Permits Deaf Mexicans, Forced to Peddle, to Remain," *New York Times*, Jun. 20, 1998 (describing a case in which illegal immigrants were "forced to peddle trinkets in the subway and turn over their earnings to bosses who beat and abuse them").

<sup>5</sup> Fla. HB 89, § (5) (2019)

<sup>6</sup> Fla. HB 89, § (3)(k)(1) (2019)

<sup>7</sup> Ga. Code § 36-60-6 (2018)

<sup>8</sup> Ala.Code § 31-13-15 (2018)

<sup>9</sup> S.C. Code § 41-8-20(b) (2018)

<sup>10</sup> Miss. Code. Ann. § 71-11-3(4) (2018)

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY FLORIDA** does let it be known that it supports the passage of House Bill 89, in order to protect workers in Brevard County and ensure fair competition.

DONE, ORDERED AND ADOPTED, in regular session, this 22<sup>nd</sup> Day of January, A.D., 2019.



KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FL

ATTEST;



SCOTT ELLIS, CLERK

As approved Board 1/22/19

Brevard



County

**BOARD OF COUNTY COMMISSIONERS**

*Resolution*

**SUPPORTING THE PASSAGE OF HOUSE BILL 89**

**WHEREAS**, House Bill 89, an act relating to the verification of lawful employment eligibility, has been introduced by Representative Thad Altman of Dist. 52; and

**WHEREAS**, it is unlawful for a person or entity to employ in the United States an alien who is not authorized to lawfully work within the United States of America; and

**WHEREAS**, the United States Supreme Court, in *Chamber of Commerce v. Whiting*, upheld the authority of state governments to require the utilization of E-Verify as consistent with Federal law; and

**WHEREAS**, responsible employers in the State, including the Brevard County Board of County Commissioners, already utilize E-Verify; and

**WHEREAS**, E-Verify enrollment is free; and

**WHEREAS**, the intentional employment of illegal immigrants have led to a humanitarian crises, essentially creating a modern system of involuntary servitude; and

**WHEREAS**, HB 89 recognizes that it is unfair for lawful employees to be terminated in favor of illegal immigrants who provide cheaper labor; and

**WHEREAS**, HB 89 would create a more equitable marketplace by disincentivizing the employment of illegal immigrants, and providing a safe-harbor for those employers who act responsibly; and

**WHEREAS**, many states including, but not limited to, the states of Georgia, Alabama, South Carolina, and Mississippi, require private employers to enroll in the E-Verify program; and

**WHEREAS**, it is in the best interest of the workers of Brevard County, the State of Florida, and the United States of America to ensure that the free-market is not corrupted and manipulated by employers who are acting in bad-faith, and with disregard for the law.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS, of BREVARD COUNTY, FLORIDA**, does let it be known that it supports the passage of House Bill 89, in order to protect workers in Brevard County and ensure fair competition.

**DONE, ORDERED AND ADOPTED**, in regular session this 22<sup>nd</sup> day of January, 2019.

ATTEST:

*Scott Ellis*

SCOTT ELLIS, CLERK

KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA



**Resolution 19-\_\_\_\_\_**

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DONE, ORDERED AND ADOPTED, in regular session, this 22<sup>nd</sup> Day of January, A.D., 2019.

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KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FL

ATTEST:

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SCOTT ELLIS, CLERK