

Miami Herald

Statute meant to protect jobs isn't enforced

By Marc Caputo

January 25, 2011

Illegal immigration either costs or saves Floridians billions of dollars. It's inspired by racism. Or it's a fight to stop slave-labor wages.

The polarizing views and stats clashed Monday at the Florida Senate's second fact-finding committee meeting over immigration. But one number wasn't disputed. Zero.

That's the number of employers who have been charged with breaking an 11-year-old Florida law that prohibits anyone from knowingly hiring a person "who is not duly authorized to work by the immigration laws or the Attorney General of the United States."

"From what I can find, from our statistics, the statute has never been enforced," said Michael Ramage, general counsel for the Florida Department of Law Enforcement.

NO RECORDS EXIST

Ramage said he checked law-enforcement and court-clerk databases and found 16 separate cases that initially looked like violations of the statute, but he said police improperly leveled the charge. Ramage said there's a chance that some employers in some counties could have been hit with a civil -- as opposed to criminal -- charge. But no records of that exist.

Why hasn't the statute been used?

"There's probably little time and little resources for law enforcement to proactively go and scope out employers and see if they're in violation of this law," Ramage speculated.

Now that Republican lawmakers are trying to live up to the campaign-season's promise to pass a new immigration reform, the fate of the old law is a clear indicator that local law enforcement officials seldom wish to get involved in immigration cases, which are largely federal matters.

But the much-ballyhooed law in Arizona changed the debate. That law -- blocked for now by a federal court -- contained the controversial provision that required police to ask suspects about their immigration status.

OPPOSE MEASURE

On the campaign trail, Gov. Rick Scott promised to bring the Arizona law to Florida. Senate President Mike Haridopolos then established a committee to draft a bill. But state senators, including the sponsor of the Arizona-style bill, say they probably won't pass an Arizona-style bill.

A big reason for the opposition: Polls have shown that Hispanics, the state's fastest-growing electoral bloc, oppose the measure.

"We suspect and we fear this is motivated by political fear and by racism," Maria del Rosario Rodriguez, executive director of the Florida Immigrant Coalition. "It's not about jobs. It's not about security. It's not about the economy."

But Jack Oliver, legislative director of Floridians for Immigration Reform, testified that the immigration debate is all about jobs and the economy. Lawful residents don't work in the farm industry "because of the slave-labor wages paid in the agricultural business," he said.

"When an illegal alien comes to this country, they're stealing the American dream from someone who wants to come here legally," Oliver said.

Oliver's ally, Jack Martin of the Federation for American Immigration Reform, estimated that illegal immigration costs Florida taxpayers \$5.2 billion due to increased pressure on the criminal-justice, healthcare and education systems.

MORE TAX REVENUE

The Florida Chamber of Commerce, though, disputed those statistics. The chamber released a report saying, for instance, that the presence of illegal immigrants doesn't increase crime rates. The chamber report said that immigrants, even those here unlawfully, produce more tax revenue than they consume.

The chamber's ally, Associated Industries of Florida, took aim at an immigration bill that would require employers to use the federal government's E-Verify computer system to avoid hiring undocumented workers. AIF lobbyist Brewster Bevis said the system was too flawed to be reliable, too burdensome to use and could expose businesses to lawsuits.

Sen. Greg Evers, a Republican strawberry farmer from Baker, said he understood both sides of the debate. But, he said, the state needs to do more.

"E-Verify may not be all the answer," he said. "But you have to use something."