

enrollment of over 100,000 students. Over 150 of those institutions are not under the jurisdiction of the CIE, including over 100 religious colleges and an unknown number of flight schools (which are regulated by the FAA).

According to the Florida Department of Law Enforcement, the Bureau of Immigration and Customs Enforcement (previously INS) is developing a database for collection and utilization of the information of the type addressed in SB 210. FDLE is attempting to determine to what extent, if any, local or state law enforcement will have access to the information, but has been unable to-date in verifying such access.

FDLE is also attempting to verify from Florida's Department of Education whether Federal student records regulations and laws will allow the free flow of the information from schools to FDLE as anticipated in SB 210. As of the date of this analysis, no resolution of that question has been secured by FDLE. Further, language in the bill could be interpreted to include high school students who have reached age 18 as well as students at many small trade schools that are not currently covered by federal reporting requirements.

III. Effect of Proposed Changes:

Verified visa information on students age 18 or older will be required to be submitted to the Florida Department of Law Enforcement by the school the student attends.

Schools which do not currently maintain such information will be required to collect and verify that information.

The Florida Department of Law Enforcement will be required to receive the information provided by the schools about their foreign students ages 18 and older.

The effective date of the bill is July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

According to the Department of Education, in accordance with federal jurisprudence in the U.S. Supreme Court Decision in *Plyler V. DOE*, 1976 and Consent Decree in the

League of United Latin American Citizens et al. v the Florida State Board of Education et al., 1990, public schools in Florida are prohibited from inquiring, recording and maintaining information on the immigration status of foreign-born students. Implementation of this bill at the k-12 level would require school districts to violate federal law. Currently, there are 32,631 foreign-born students in public high schools 18 years of age or older and because of the federal restriction, districts do not know the immigration status of these students.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The definition of school includes private educational entities. These entities will be required to submit information on their foreign students age 18 or older. To the extent the information reported is already being collected and reported to the federal government or other agencies in the format that will be required, there will not be significant additional costs. To the extent an educational entity does not currently collect or report the data in the format required, there will be additional costs on the school. Thus the cost of the bill on the private sector is currently indeterminate.

C. Government Sector Impact:

The definition of school includes public educational entities. These entities will be required to submit information on their foreign students age 18 or older. To the extent the information reported is already being collected and reported to the federal government or other agencies in the format that will be required, there will not be significant additional costs. To the extent an educational entity does not currently collect or report the data in the format required, there will be additional costs on the school. Thus the cost of the bill on the public sector is currently indeterminate.

FDLE will accept foreign student registration in two ways - a secure Internet website for the input and XML file transfer. FDLE will not accept paper. FDLE estimates a nonrecurring cost of approximately \$600,000 to develop a stand-alone system to handle the requirements of the bill. FDLE further estimates the recurring cost to be approximately \$225,000 to operate and maintain the database.

VI. Technical Deficiencies:

Neither the content of the information to be provided, the format of the report, nor the regularity of the submission is specified in the bill. Authority to enact rules to effect the collection of the data is not included.

VII. Related Issues:

If the Bureau of Immigration and Customs Enforcement requires a school to report these students, then a similar report to the FDLE might be duplicative.

VIII. Amendments:

#1 by Education:

Clarifies that reports may be submitted electronically and in the same format as is required by the Immigration and Naturalization Service.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
