



## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

Current federal law prohibits any Federal, State, or local law from prohibiting or restricting any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status of an individual.<sup>1</sup> Likewise, no person or agency may prohibit or restrict a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.

(2) Maintaining such information.

(3) Exchanging such information with any other Federal, State, or local government entity.<sup>2 3</sup>

#### Effect of Proposed Changes

The bill requires cooperation with federal officials regarding the immigration status of individuals. No person, agency, county, or municipality may prohibit any governmental entity or official from maintaining or exchanging any information regarding the immigration status of an individual.<sup>4</sup>

#### B. SECTION DIRECTORY:

**Section 1:** Creates s. 111.076, F.S., to prohibit restrictions on public employees reporting immigration status.

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<sup>1</sup> 8 U.S.C. § 1373(a)

<sup>2</sup> 8 U.S.C. § 1373(b)

<sup>3</sup> The California Attorney General opined that a city may not prohibit its officers and employees from cooperating in their official capacities with Immigration and Naturalization Service investigation, detention, or arrest procedures relating to the civil provision of the federal immigration laws. 75 Ops.Cal.Atty.Gen 270 (1992).

<sup>4</sup> The immigration status of an individual appears to be a public record, because there is no specific exemption. The Public Records Act is liberally construed in favor of open government, while exemptions are narrowly construed. *See Christy v. Palm Beach County Sheriff's Office*, 698 So.2d 1365, 1366 (Fla. 4th DCA 1997).

**Section 2:** Creates s. 125.582, F.S., to prohibit county governments from restricting reporting of immigration status.

**Section 3:** Creates s. 166.04935, F.S., to prohibit municipal governments from restricting reporting of immigration status.

**Section 4:** Provides an effective date of July 1, 2009.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1 of the bill refers to "a person or agency", but those terms are not defined within the Chapter. The bill could be clarified to refer to "agency" as defined in s. 20.03(11), F.S.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.