

State Immigration Enforcement Council

MINUTES OF THE MARCH 31, 2025, COUNCIL MEETING

Chairman Grady Judd called the State Immigration Enforcement Council (SIEC) meeting to order on March 31, 2025, held at the Pinellas County Sheriff's Office.

PLEDGE OF ALLEGIANCE; CHAIRMAN'S WELCOME; AND THANK YOU'S

Chairman Judd led the audience in the Pledge of Allegiance, then called the meeting to order. Chairman Judd welcomed the council members, attendees at the meeting and those watching on the Florida Channel. Chairman Judd congratulated the council members for being chosen for the State Immigration Enforcement Council (SIEC). He also expressed his gratitude to Governor DeSantis for his dedication and proven leadership, along with Attorney General Uthmeier, Chief Financial Officer Patronis, and Agriculture Commissioner Simpson for their appointments to the Council. Additionally, he thanked Senate President Albritton and House Speaker Perez for their dedicated efforts, leadership on the immigration issues, and appointments to the Council. He noted that they are making a positive impact and enhancing the lives of Floridians.

CHAIRMAN'S REMARKS

Chairman Judd started the meeting by saying, "Good things don't just happen; good people make good things happen." He explained that the intent of the State Immigration Enforcement Council (SIEC) is to do the right things at the right time for the right reasons to keep Florida and the Nation safe and secure. The council will focus on urgently supporting the mission of the State Board of Immigration Enforcement. He added that the Council aims to make a positive impact and enhance safety in the state.

The meeting agenda included that the Council would hear from subject matter experts about the law and the Council's role. Chairman Judd also mentioned that the Council would get guidance on administrative and technical matters related to the State Board of Immigration and Enforcement and the State Immigration Enforcement Council. Additionally, the Council would discuss its current position and future plans in immigration enforcement, as well as how it will work together with federal partners to effectively address illegal immigration in Florida.

He further stated that Governor DeSantis, who is taking the lead on this issue, is a visionary and has truly made a difference in combating the negative impacts of illegal immigration.

Chairman Judd also remarked that as a united Council, they are proud to work with the State Immigration Enforcement Board to advise, assist, and recommend how to deal with issues of illegal immigration in Florida, fulfilling President Trump's mission given to him by the voters of the United States.

He also said that under the previous administration, there was no real effort to control the border or handle the crisis of illegal immigration. As a result, the nation experienced violent crime and over a quarter of a million deaths from fentanyl overdoses. However, in just a few weeks, strong leadership and effective policies from President Trump's administration led to federal law enforcement reducing illegal immigration on the southern border. The Chairman expressed gratitude to President Trump for his leadership and his commitment to fixing the non-existent system. Step one is to secure the border, and step two is to hold accountable those who have entered the United States illegally and those who have remained in the United States illegally. They are violating federal law, and many are also violating state and local laws every day. President Trump and Border czar Tom Homan has stated that ICE should focus on criminal illegal immigrants using a worst-first strategy, which means prioritizing the 1.4 million immigrants who have already been ordered to be deported, including serious and violent offenders who are in the country illegally, as well

as anyone committing a crime in the United States. Immigration and Customs Enforcement's (ICE) resources, workforce, and ability to detain, process, and remove illegal immigrants are currently not sufficient.

In Florida, Governor DeSantis, President Albritton, and Speaker Perez are taking charge and stepping up to help address the immigration crisis. The new immigration law in Florida passed during the special session explains how Florida will assist Immigration and Customs Enforcement (ICE) in removing all illegal immigrants.

Chairman Judd also mentioned that they are exploring ways to increase Immigration and Customs Enforcement's (ICE) ability to arrest, house, and transport illegal immigrants in Florida who are waiting to be deported. They are searching for better methods to take illegal immigrants into custody and transport them more effectively. He noted that the local ICE supervisors and agents are doing a great job within their current scope of duties and the resources they have, but improvements are needed to make immigration enforcement quicker and more efficient.

He added that the ultimate purpose of the State Immigration Enforcement Council (SIEC) is to advise the State Board of Immigration on how Florida's local, county, and state law enforcement officers, along with Florida jails, can work with federal agencies to enforce our country's immigration laws as effectively and efficiently as possible. It is important that ICE modify its current policy and create proactive rules that allow local and state enforcement in Florida to help better address the immigration crisis. This change cannot be handled at the local ICE level; it must be done at a higher level of ICE and possibly through an executive order by President Trump.

Chairman Judd stated that his main goals as chairman will be to act quickly. Supporting the mission of the State Boards of Immigration Enforcement will involve working closely with ICE to do everything allowed by law to speed up the process of removing illegal immigrants (starting with the worst cases first) from Florida, following the guidance from President Trump and Border Czar Tom Homan. To expedite recommendations and facilitate priorities for what expenses should be reimbursed under the local law enforcement immigration grant program and funding criteria for the program. The Council will also recommend infrastructure for the grant program. Finally, it will suggest ways to improve information sharing between Florida's law enforcement agencies and federal agencies and make sure Florida law enforcement officers can quickly access 24/7 ICE response centers or hotlines so ICE can provide Florida law enforcement with authorization and the necessary documents to take illegal immigrants into custody.

BUSINESS MEETING AGENDA

COUNCIL MEMBERS PRESENT OR ABSENT

The roll was called, and the following eight Council Members represented a quorum:

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| 1. Honorable Sheriff Grady Judd, Chairman
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880
Telephone: 863-298-6200 | 3. Honorable T.K. Waters
Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202
Telephone: 904-630-7600 |
| 2. Honorable Sheriff Bob Gualtieri
Pinellas County Sheriff's Office
10750 Ulmerton Road,
Largo, Florida 33778
Telephone: 727-582-6200 | 4. Honorable Bill Prummell
Charlotte County Sheriff's Office
7474 Utilities Road
Punta Gorda, FL 333982
Telephone: 941-639-2101 |

5. **Chief Charles Broadway**
Kissimmee Police Department
8 N Steward Ave.
Kissimmee, FL 34741
Telephone: 407-846-3333

6. **Chief Ciro Dominguez**
Naples Police Department
355 Riverside Circle
Naples, FL 34102
Telephone: 239-213-4844

7. **Chief Robert Bage**
Fort Walton Beach Police Department
7 Hollywood Blvd. NE
Fort Walton Beach, FL 32548
Telephone: 850-833-9546

8. **Chief Doug Goerke**
St. Cloud Police Department
4700 Neptune Road
St. Cloud, FL 34769
Telephone: 407-891-6700

INTRODUCTION OF COUNCIL MEMBERS

Each Council member took a moment to introduce themselves.

SUNSHINE LAW

FDLE Interim General Counsel Kate Holmes provided the Council with an overview of the Florida Sunshine Law, stating that the Sunshine Law governs the right of access to public meetings in Florida. She continued to say it also applies to agenda items on the meeting agenda and Council members shall not have conversations with another Council member or in the presence of another Council member about agenda items currently pending before the Council. Council members may discuss agenda items with other Council members during the Council meeting and may have conversations with Council staff and other individuals about the agenda items prior to the Council meeting.

AGENDA ITEM 1: REVIEW OF FLORIDA STATUTES 908 AND 811

FDLE Interim General Counsel, Kate Holmes, provided the Council with an overview of Florida Statutes 908 and 811.

Florida Statutes 908.101 – Legislative findings and intent – The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within the state.

Florida Statutes 908.102 – Definitions

- Defines “Federal Immigration Agency”
- Defines “immigration detainer” – means a facially sufficient written or electronic request **issued by a federal immigration agency** using that agency’s official form to **request** that **another law enforcement agency** detain a person based on **probable cause** to believe that the person to be detained is **a removable alien under federal immigration law**, including detainers issued pursuant to 8 U.S.C.ss.126 and 1357 along with a warrant described in paragraph (c). For purposes of this subsection, an **immigration detainer** is deemed **facially sufficient** if:
 - (a) The federal immigration agency’s official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or
 - (b) The federal immigration agency’s official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and
 - (c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a success or warrant or other warrant

authorized by federal law.

Interim General Counsel Kate Holmes stated that this section also defines an “inmate”, “Law enforcement agency”, “Local governmental entity”, and “State entity” and that these definitions are used throughout Chapter 908 and stated the importance of understanding the definitions.

- Defines “Sanctuary policy”
 - (6) “Sanctuary policy” means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:
 - (a) Complying with an immigration detainer;
 - (b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;
 - (c) Providing a federal immigration agency access to an inmate for interview;
 - (d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357 as required by s. 908.11;
 - (e) Providing a federal immigration agency with an inmate’s incarceration status or release date;
 - (f) Providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency;
 - (g) Executing a lawful judicial warrant; or
 - (h) Participating in a federal immigration operation with a federal immigration agency as permitted by federal and state law.

Florida Statutes 908.103 – Sanctuary policies prohibited. - A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

Interim General Counsel Kate Holmes further stated that if there is a policy that a local entity issues, it could be deemed a sanctuary policy if it prohibits a law enforcement agency from doing any of the above items, and they are prohibited in the State of Florida.

(New) Florida Statutes 908.1031 – State Board of Immigration Enforcement; creation; purpose and duties. -

Interim General Counsel Kate Holmes spoke about the new statutes that were passed in February starting with the State Board of Immigration.

- Defines the board as the Cabinet. All board actions shall be by unanimous vote, and it requires the appointment of an Executive Director to assist in the implementation of its responsibilities. Executive Director Larry Keefe was appointed to that position and was present at the meeting.

Interim General Counsel Kate Holmes explained that the legislature broke up the different duties between the board as well as the duties of the State Immigration Enforcement Council.

- The board is the chief immigration officer of the state and shall:
 - (a) Serve as a resource for the United States Immigration and Customs Enforcement.
 - (b) Coordinate and cooperate with the Federal Government in the enforcement of federal immigration laws and other matters related to the enforcement of federal immigration laws.
 - (c) Coordinate with and provide assistance to law enforcement agencies in the enforcement of federal immigration laws and other matters related to the enforcement of federal immigration laws and monitor local government compliance with the requirements of this chapter.
 - ²(d) Administer the Local Law Enforcement Immigration Grant Program established in s. 908.1033.

- (e) Collect data related to operations with the United States Immigration and Customs Enforcement from law enforcement agencies and, by December 15 of each year, submit a report to the President of the Senate and the Speaker of the House of Representatives. The report may contain recommendations to the Legislature to improve the state's cooperation and coordination with the Federal Government in the enforcement of federal immigration laws within this state. The report must detail the number of trained law enforcement officers under the required agreements in s. 908.11 and the level of cooperation and coordination between the following entities and federal immigration agencies:
 - 1. State entities.
 - 2. Local governmental entities.
 - 3. Law enforcement agencies.
- (f) Actively seek Congressional action to amend the National Crime Prevention and Privacy Compact to require states that are a party to the compact to share information relating to a person's immigration status for criminal justice purposes and to require that such information be fully shared with all federal agencies having authority over immigration enforcement.
- (g) No later than March 24, 2025, report to the President of the Senate and the Speaker of the House of Representatives the number of vacant beds available in state correctional institutions and facilities and county detention facilities which can be sublet to the United States Immigration and Customs Enforcement for use as detention beds. Operators of state correctional institutions and facilities and county detention facilities shall provide such information requested by the board no later than March 15, 2025.
 - (4) Allows the Board to adopt rules necessary to implement this section.
 - (5) FDLE must provide administrative support to the Board of Immigration Enforcement.

Florida Statutes 908.1032 – State Immigration Enforcement Council. – The State Immigration Enforcement Council, an advisory council as defined in s. 20.03, is created within the State Board of Immigration Enforcement for the **purpose of advising the board.**

- First meeting shall be held no later than April 1, 2025. Thereafter, the council must meet quarterly. Additional meetings may be held at the discretion of the chair. A majority of members of the council constitutes a quorum. Council meetings may be conducted by teleconference or other electronic means.

The duty of the council is to:

- (4) The council shall:
 - (a) Assist the State Board of Immigration Enforcement on issues related to immigration enforcement, provided such requests are made after unanimous approval of the board.
 - ¹(b) Recommend to the board program participation expenses related to s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357, which should be reimbursable under the Local Law Enforcement Immigration Grant Program established in s. 908.1033 and funding criteria for the program.
 - ¹(c) Request guidance from the United States Immigration and Customs Enforcement for training opportunities and strategies to further s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357, program participation in the state and advise the board on new training activities that could be considered for reimbursement under the Local Law Enforcement Immigration Grant Program.
 - (d) Advise the board on the efforts of local law enforcement agencies related to the enforcement of federal immigration laws within the state.
 - (e) Provide recommendations on the financial resources necessary to aid local law enforcement agencies, and any other resources necessary to facilitate the training of such agencies, in the cooperation and coordination with the Federal Government in the enforcement of federal immigration laws.
 - (f) Provide recommendations to enhance information sharing between state entities, local governmental

entities, law enforcement agencies, and the Federal Government in the enforcement of federal immigration laws within the state. The recommendations must provide for enhanced use and coordination of the following Federal Government centers, including, but not limited to:

1. The Federal Bureau of Investigation's Terrorist Screening Center.
 2. The United States Customs and Border Protection's National Targeting Center.
 3. The United States Department of Homeland Security Fusion Centers.
 4. The United States Drug Enforcement Administration's Special Operations Unit.
- (g) Provide recommendations on strategies to increase the number of available detention beds for use by the United States Immigration and Customs Enforcement.
- (h) Upon unanimous approval of the board, assist in the collection of data from law enforcement agencies as required under s. 908.1031(3)(e).

Florida Statutes 908.104– Cooperation with federal immigration authorities. –

- (1) Consistent with all duties created in state and federal law, state, and local law enforcement agencies and any official responsible for directing or supervising such agency **shall use best efforts to support the enforcement of federal immigration law**. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.
- (2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, **may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:**
- (a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.
 - (b) Recording and maintaining the information for purposes of this chapter.
 - (c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.
 - (d) Using the information to comply with an immigration detainer.
 - (e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.
 - (f) Sending the applicable information obtained pursuant to enforcement of s. 448.095 to a federal immigration agency.
- (3) A state entity, local governmental entity, or law enforcement agency may not prohibit or in any way restrict a law enforcement officer from executing or assisting in the execution of a lawful judicial warrant.
- (4)(a) For purposes of this subsection, the term "applicable criminal case" means a criminal case in which:
1. The judgment requires the defendant to be confined in a secure correctional facility; and
 2. The judge:
 - a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or
 - b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.
- (b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.
- (c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the

time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

- (5) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.
- (6) Upon request from a federal immigration agency, a sheriff or chief correctional officer operating a county detention facility must provide the requesting federal immigration agency a list of all inmates booked into a county detention facility and any information regarding each inmate's immigration status.
- (7) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if:
 - (a) The victim or witness is necessary to the investigation or prosecution of a crime, and such crime occurred in the United States; and
 - (b) The victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperates in the investigation or prosecution of such offense.
- (8) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (7), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.
- (9) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.
- (10) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering, provided that such crime was committed in the United States. Documentation, including, but not limited to, police reports, testimony, sworn statements, or a victim impact statement, must be relied upon to verify that the person was a necessary witness or victim to the crime.

Florida Statutes 908.105– Duties related to immigration detainers. –

- (1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:
 - (a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.
 - (b) Record in the person's case file that the person is subject to an immigration detainer.
 - (c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.
 - (d) Notify the state attorney that the person is subject to an immigration detainer.
- (2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b)

with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

- (3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.
- (4)(a) If any county, district, authority, municipality, or other local government adopts an ordinance, a regulation, a rule, or a policy refusing to comply with or otherwise directing local officials, employees, or others to **refuse to comply with an immigration detainer issued by a federal immigration agency**, the **Attorney General must** initiate judicial proceedings in the name of the state in order to **enforce compliance**. The court, upon finding noncompliance with this subsection, shall declare invalid the improper ordinance, regulation, rule, or policy and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, rule, or policy. It is not a defense that in enacting the ordinance, regulation, rule, or policy the local government was acting in good faith or upon advice of counsel.
- (b) If the court determines that a violation was knowing and willful, the court must assess a civil fine of up to \$5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred.
- (c) Except as required by applicable law, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated this subsection.

Florida Statutes 908.106– Reimbursement of costs. – Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons.

A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainees, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

Florida Statutes 908.107 Enforcement. –

- (1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter **may be subject to action by the Governor, including potential suspension from office**, in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the **Governor may initiate judicial proceedings** in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.
- (2) In addition, the **Attorney General** may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.
- (3) If a local governmental entity or local law enforcement agency violates this chapter, **the court must enjoin the unlawful sanctuary policy**. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.
- (4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

Florida Statutes 908.108 Education records. – This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, U.S.C. s. 1232g.

Florida Statutes 908.109 Discrimination prohibited. – A state entity, a local governmental entity, or a law

enforcement agency, or a person employed by or otherwise under the direction or control of the entity or agency, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent authorized by the United States Constitution or the State Constitution.

Florida Statutes 908.11 Immigration enforcement assistance agreements; reporting requirement. –

- (1) The sheriff or the chief correctional officer operating a county detention facility must enter into a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. The State Board of Immigration Enforcement must approve the termination of any such agreement. This subsection does not require a sheriff or chief correctional officer operating a county detention facility to participate in a particular program model.
- (2) Beginning no later than April 1, 2025, and until the sheriff or chief correctional officer operating a county detention facility enters into the written agreement required under subsection (1), each sheriff or chief correctional officer operating a county detention facility must notify the State Board of Immigration Enforcement quarterly of the status of such written agreement and any reason for noncompliance with this section, if applicable.

Florida Statutes 908.111 Prohibition against governmental entity contracts with common carriers; required termination provisions. –

- (1) As used in this section, the term:
 - (a) “Common carrier” means a person, firm, or corporation that undertakes for hire, as a regular business, to transport persons or commodities from place to place, offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.
 - (b) “Contract” means a contract that is subject to the competitive procurement requirements of the contracting governmental entity or a contract for an amount or duration requiring it to include written provisions under the procurement requirements of the governmental entity.
 - (c) “Governmental entity” means an agency of the state, a regional or local government created by the State Constitution or by a general or special act, a county or municipality, or any other entity that independently exercises governmental authority.
 - (d) “Unauthorized alien” means a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term shall be interpreted consistently with any applicable federal statutes, rules, or regulations.
- (2) A governmental entity may not execute, amend, or renew a contract with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into the State of Florida knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States.
- (3) A contract between a governmental entity and a common carrier or contracted carrier which is executed, amended, or renewed on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:
 - (a) An attestation by the common carrier or contracted carrier, in conformity with s. 92.525, that the common carrier or contracted carrier is not willfully providing and will not willfully provide any service during the contract term in furtherance of transporting a person into this state knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States. A governmental entity is deemed to be in compliance with subsection (2) upon receipt of the common carrier’s or contracted carrier’s attestation; and
 - (b) A provision for termination for cause of the contract, grant agreement, or economic incentive program

- payment agreement if a common carrier or contracted carrier is found in violation of its attestation.
- (4) The Department of Management Services shall develop by rule a common carrier and contracted carrier attestation form no later than August 30, 2022.

Florida Statutes 908.12 Transnational crime organizations; reclassification. –

- (1) As used in this section, the term “transnational crime organization” means an organization that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans.
- (2) The penalty for any misdemeanor or felony may be reclassified if the commission of such misdemeanor or felony was for the purpose of benefiting, promoting, or furthering the interests of a transnational crime organization. The reclassification is as follows:
- (a) A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.
 - (b) A misdemeanor of the first degree is reclassified to a felony of the third degree.
 - (c) A felony of the third degree is reclassified to a felony of the second degree.
 - (d) A felony of the second degree is reclassified to a felony of the first degree.
 - (e) A felony of the first degree is reclassified to a life felony.

Florida Statutes 908.13 Unauthorized Alien Transport Program. –

- (1) As used in this section, the term “unauthorized alien” has the same meaning as in s. 908.111.
- (2) The Unauthorized Alien Transport Program is created within the Division of Emergency Management within the Executive Office of the Governor for the purpose of facilitating the transport of unauthorized aliens, consistent with federal law. In order for the division to provide such transport, all of the following requirements must be met:
- (a) The United States Immigration and Customs Enforcement must specifically request assistance from the division with the transport of unauthorized aliens pursuant to specific federal legal authority.
 - (b) The United States Immigration and Customs Enforcement must reimburse the state for the actual cost of assisting with the transport of unauthorized aliens.
 - (c) The transport must occur under the direct control and supervision of the United States Immigration and Customs Enforcement.
- (3) The section is repealed June 30, 2027.

Florida Statutes 811.101 Definitions. – As used in this chapter, the term:

- (1) “Removal” means the departure from the United States of an unauthorized alien after any proceeding under 8 U.S.C. s. 1225, s. 1228, s. 1229, or s. 1229a or any agreement in which an unauthorized alien stipulates to his or her departure from the United States as part of a criminal proceeding under federal or state law.
- (2) “Unauthorized alien” has the same meaning as in s. 908.111.

Florida Statutes 811.102 Illegal entry by adult unauthorized alien into the state. –

- (1) Except as provided in subsection (2), an unauthorized alien who is 18 years of age or older and who knowingly enters or attempts to enter this state after entering the United States by eluding or avoiding examination or inspection by immigration officers commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person convicted of a violation of this subsection must be sentenced to a mandatory minimum term of imprisonment of 9 months.
- (2)(a) An unauthorized alien who has one prior conviction for a violation of this section and who commits a second violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

- (b) An unauthorized alien who has two or more prior convictions for a violation of this section and who commits a subsequent violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted for a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 2 years.
- (3) An unauthorized alien **may not be arrested** for a violation of this section if the unauthorized alien was encountered by law enforcement **during the investigation of another crime** that occurred in this state and the **unauthorized alien witnessed or reported such crime or was a victim of such crime**.
- (4) It is an **affirmative defense** to prosecution under this section if:
 - (a) The Federal Government has granted the unauthorized alien lawful presence in the United States or discretionary relief that authorizes the unauthorized alien to remain in the United States temporarily or permanently;
 - (b) The unauthorized alien is subject to relief under the Cuban Adjustment Act of 1966; or
 - (c) The unauthorized alien's entry into the United States did not constitute a violation of 8 U.S.C. s. 1325(a).
- (5) Notwithstanding any other law, and unless release is otherwise required by the State Constitution or the United States Constitution, the court shall presume that no conditions of release can reasonably assure the presence of an unauthorized alien arrested for a violation of this section at his or her trial and must order the unauthorized alien to be detained pending the disposition of the case.
- (6) An unauthorized alien who commits a violation of this section is not eligible for a civil citation, prearrest or postarrest diversion program, or other similar program, including, but not limited to, any program described in s. 901.41 or s. 921.00241.
- (7) Upon making an arrest for a violation of this section, the arresting law enforcement agency shall:
 - (a) Notify Immigration and Customs Enforcement of the United States Department of Homeland Security of the unauthorized alien's arrest and provide any known information relating to the unauthorized alien; and
 - (b) Notify the Department of Law Enforcement of the unauthorized alien's arrest and provide information relating to the unauthorized alien, which must include his or her fingerprints, photograph, and any other biometric information necessary to identify the unauthorized alien.

Florida Statutes 811.103 Illegal reentry of an adult unauthorized alien. –

- (1) An unauthorized alien who is 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she, after having been denied admission, excluded, deported, or removed or having departed the United States during the time an order of exclusion, deportation, or removal is outstanding, thereafter enters, attempts to enter, or is at any time found in this state. An unauthorized alien does not commit a violation of this subsection if, before the unauthorized alien's reembarkation at a place outside the United States or his or her application for admission from a foreign contiguous territory:
 - (a) The Attorney General of the United States expressly consented to his or her reapplication for admission; or
 - (b) With respect to an unauthorized alien who was previously denied admission and removed, the unauthorized alien establishes that he or she was not required to obtain such advance consent under the Immigration and Nationality Act, as amended.
- (2) Except as provided in subsection (3), an unauthorized alien who violates subsection (1) must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.
- (3)(a) An unauthorized alien who has three or more prior convictions for a misdemeanor or a felony, other than a forcible felony as defined in s. 776.08 or an aggravated felony as defined in 8 U.S.C. s. 1101, and who commits a violation of subsection (1) commits a felony of the third degree, punishable as provided in

s. 775.082, s. 775.083, or s. 775.084. A person convicted of violating this paragraph must be sentenced to a mandatory minimum term of imprisonment of 2 years.

- (b) An unauthorized alien who has a prior conviction for a forcible felony as defined in s. 776.08 or an aggravated felony as defined in 8 U.S.C. s. 1101 and who commits a violation of subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 5 years.
- (4) Notwithstanding any other law, and unless release is otherwise required by the State Constitution or the United States Constitution, the court shall presume that no conditions of release can reasonably assure the presence of an unauthorized alien arrested for a violation of this section at his or her trial and must order the unauthorized alien to be detained pending the disposition of the case.
- (5) An unauthorized alien who commits a violation of this section is not eligible for a civil citation, prearrest or postarrest diversion program, or other similar program, including, but not limited to, any program described in s. 901.41 or s. 921.00241.
- (6) Upon making an arrest for a violation of this section, the arresting law enforcement agency shall:
 - (a) Notify Immigration and Customs Enforcement of the United States Department of Homeland Security of the unauthorized alien's arrest and provide any known information relating to the unauthorized alien; and
 - (b) Notify the Department of Law Enforcement of the unauthorized alien's arrest and provide information relating to the unauthorized alien, which must include his or her fingerprints, photograph, and any other biometric information necessary to identify the unauthorized alien.

DISCUSSION:

Councilman Bage commented about concerns around the state that 811.103 talks about at any time found in the state and 811.102 only talks about entering or attempting to enter the state. He asked for 811.102 if they would have to catch them at the state line. In response, Interim General Counsel Kate Holmes stated that she has been in discussions with the Attorney General's Office and that they are looking into the distinction between the felony and misdemeanor versions. She continued to say that once they have clarification with the State Attorney's Office, she will be able to provide an answer to the Council.

Councilman Prummell stated that he has had the same discussion, and in addition to that, with that being a misdemeanor, if it doesn't occur within their presence, they cannot make the arrest. He asked if that was correct. In response, Attorney Holmes stated that it is correct and is also working with the Attorney General's Office on it.

Chairman Judd stated the importance of making sure everyone is paying attention to the detailed law and that the Governor and the Attorney General are going to hold any government official accountable and responsible if they don't follow these laws. He further stated that if anyone needs further help, please contact the Council through FDLE and you will be provided the educational material.

RECOMMENDATION: *This agenda item was for information purposes.*

COUNCIL ACTION: *No Council action was required.*

AGENDA ITEM 2: ENFORCEMENT REMOVAL OPERATION (ERO) OVERVIEW: REQUIREMENTS UNDER ICE TO OPERATE AND FEDERAL GOVERNMENT DEPORTATION PRIORITIES

Deputy Field Office Director Juan Lopez-Vega briefed the Council on Enforcement Removal Operations.

ICE HISTORY AND PURPOSE:

Following the 9/11 terrorist attacks, U.S. Congress passed the Homeland Security Act in November 2002, creating the Department of Homeland Security (DHS) which absorbed the former Immigration and Naturalization Service (NTS) and former U.S. Customs Service to create three new agencies:

- ICE – U.S. Immigration and Customs Enforcement
- CBP – U.S. Customs and Border Protection
- USCIS – U.S. Citizenship and Immigration Services

ERO DIVISIONS & STATS:

ERO's mission is to protect the homeland through the arrest and removal of aliens who undermine the safety of U.S. communities and the integrity of U.S. immigration laws.

- FY 2024 ERO Snapshot: Custody Management, Enforcement, Field Ops, ICE Health Services Corps, Law Enforcement System & Analysis, Non-Detained Management, Ops Support, and Removal.
 - \$5.1 billion appropriated
 - 7,870 enacted law enforcement and mission support personnel
 - 25 domestic field offices overseeing over 182 domestic locations as well as personnel in 30 overseas locations

ERO – Identifies, arrests, detains, processes, prosecutes, and removes.

Identify – ERO directs its limited enforcement resources toward aliens posing the greatest threats to homeland security through intelligence-driven leads.

LAW ENFORCEMENT PARTNERSHIPS:

- **Detainers** are lawful request issued by ERO to federal, state, local, or tribal law enforcement agencies to maintain custody of an identified alien for up to 48 hours beyond when they would have otherwise been released, or to provide notifications as early as possible, allowing ERO time to assume custody before the subject is release.
- Detainers are one of the primary ways ERO carries out its public safety mission and helps safely remove criminal aliens before they can be released into the community to potentially reoffend.

Partnerships with federal, state, local, or tribal law enforcement organizations provide a safe and efficient method of engaging in criminal alien offenders in a secure and controlled environment.

Detainers by Fiscal Year:

- Fiscal Year 2021 - 65, 940 individuals were detained
- Fiscal Year 2022 – 78,829 individuals were detained
- Fiscal Year 2023 – 125,358 individuals were detained
- Fiscal Year 2024 – 149,764 individuals were detained

287(g) PROGRAM – Authorizes ERO to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform limited immigration law enforcement functions. Two of the most counties producing arrests in the entire country are Duval and Collier Counties.

- Models of the 287(g) Program include:

- Jail Enforcement Model (JEM) – which delegates certain authority to state and local law enforcement agencies to identify criminal aliens and immigration violators in state or local custody and place them into immigration proceedings.
- Warrant Service Officer (WSO) – program provides legal authority to state and local law enforcement officers to execute civil immigration warrants on behalf of ERO within the confines of their detention facilities.
- Task Force Model (TFO) – This is the newest model being incorporated into the 287(g) program. This task force model is going to be serving as a force multiplier to ICE by local law enforcement. This task force will allow certain immigration enforcement authority limited to local and state law enforcement.

Arrest – ERO focuses its limited enforcement resources on targeting aliens who pose the greatest threat to national security, public safety, and border security.

- CRIMINAL ARRESTS – Located in all 25 field offices, ERO Criminal Prosecutions (ECP) initiates prosecution of crimes and executes criminal arrest warrants of aliens under Titles 8 & 18 of the U.S. code.
 - Fiscal Year 2024, the ERO Criminal Prosecutions (ECP) activities resulted in 3,034 arrests in violation of criminal law, 3,012 criminal indictments, and 3,014 criminal convictions. Those arrested with a criminal history totaled 516,050 charges and convictions.
- ADMINISTRATIVE ARRESTS - ERO also conducted 113,431 administrative arrests of aliens who is has probable cause to believe were removable from the United States. Those arrests included:
 - Convicted Criminals 57,688
 - Pending Criminal Charges 23,624
 - Other Immigration Violators 32,119

TARGETED AT-LARGE ENFORCEMENT: Fugitive Operations provides direction and support to ERO's effort to locate and arrest at-large aliens within the U.S. via intelligence-driven leads.

- Fugitive Operations personnel oversee targeted enforcement actions related to:
 - At-large fugitive aliens
 - ICE Most Wanted
 - Foreign Fugitives

Fugitive Operations consist of:

- 129 Fugitive Operations Teams
- 10 Mobile Criminal Apprehension Teams

Targeted at large enforcement operations are coordinated efforts focused on specific immigration violators, such as sex offenders, previous DUIs, and opioid traffickers.

- Criminal Apprehension Program (CAP) focuses on the identification and administrative arrest of aliens in prisons and jails nationwide who have been arrested by other law enforcement agencies for criminal activity.
 - Secure transfer of criminal aliens into custody in a secure environment, decreasing risks to officers, aliens, and the community.
 - Efficient use of limited resources taking criminal aliens directly into custody is significantly more efficient than attempting to locate and arrest them at large.
 - Supports public safety by directly assuming custody of a criminal alien through CAP, it prevents the alien from being released back into the community where they may reoffend.

Detain – ERO oversees the civil immigration detention of one of the most diverse and fluid detained populations in the world. ERO manages detention operations to provide for the safety, security, and care of persons in ICE custody. ERO detains aliens for the purposes of processing and removal.

Detention facilities that house aliens operate under one of five sets of detention standards:

- National Detention Standards (2000)
 - Performance-Based National Detention Standards (2008)
 - Performance-Based National Detention Standards (2011)
 - National Detention Standards (2019)
 - Family Residential Standards (2020)
- ERO has also instituted policies and programs to promote the safety and welfare of vulnerable populations in its custody.
 - Alternative to Detention (ATD) – program uses technology, case management, and other tools to manage aliens' compliance with release conditions while on ICE's non-detained docket. ATD provides additional oversight for aliens who may not warrant ICE's limited detention resources.

Qualifying ATD participants must adhere to the following types of monitoring: Facial Comparison, GPS Monitoring, and telephonic or electronic reporting.

Remove – ICE removes aliens from the U.S. who are subject to a final order of removal issued by an immigration judge or other lawful order. Removals include aliens arrested by ERO in the interior as well as those apprehended by CBP at the border.

How does ERO remove?

1. ERO is responsible for coordinating, managing, and facilitating efforts to remove aliens from the U.S.
2. ERO's ICE Air Operations provides a network of air transportation to ERO's 25 field offices to facilitate the movement of aliens within the U.S. and the removal of aliens to destinations worldwide via air charter and commercial air services.
3. ERO removes aliens subject to a final order of removal issued by an immigration judge or other lawful order.
4. ERO places personnel abroad to work with foreign governments to remove aliens from the U.S.
5. In collaboration with the Department of State, ERO works with international partners to ensure countries accept the return of their nationals.

Fiscal Year 2024 Removal Numbers: ERO Conducted removal operations in 192 countries.

- 237 known or suspected terrorists removed
 - 3,706 known or suspected gang members removed
 - 8 human rights violators removed
- 271,484 Removals were conducted from the U.S. via land and air. in FY 2024, which included:
 - Pending Charges – 68, 266
 - Convicted Criminals – 20,497
 - Other Immigration Violators – 182,721

Uncooperative Countries – While most countries adhere to international obligations to accept the return of their citizens, ERO considers countries that systematically refuse to do so uncooperative. ERO coordinates with the U.S. Department of State to address this issue, including through the issuance of visa sanctions.

RECOMMENDATION: *This agenda item was for information purposes.*

COUNCIL ACTION: *No Council action was required.*

AGENDA ITEM 3: STATE BOARD OF IMMIGRATION

State Board of Immigration Executive Director Larry Keefe shared information on the State Board of Immigration.

Mr. Keefe gave a brief introduction into his personal and business backgrounds. He grew up in a military family in North Florida. He studied at the University of Florida Law School. He worked as a lawyer for about 30 years before becoming a U.S. Attorney for the Northern District of Florida by President Trump. Later, he was then chosen by Governor DeSantis as Florida's Public Safety Czar before retiring to do private consulting work until he was asked to be the executive director of the State Board of Immigration Enforcement.

Executive Director Keefe outlined his perception with hopes that is also that of the board, the legislature, the cabinet, and the Governor. The following are points that were provided to the Council:

- At the inauguration, President Trump declared a state of emergency and the State of Florida has taken the same posture.
- There is a high priority of mass deportation at both the national and state levels in Florida. The federal government is the main authority, and Florida is secondary, ready to help.
 - Mass deportation focuses on numbers and measurements. It is mainly about how many people in Florida can be deported, where they are, and how to locate them. Let's find those in Florida, sort them based on where they are in the continuum of removability, arrest, detain, and deport them.
 - The federal government has databases that can help find them, and the state is developing its own databases.

Executive Director Keefe stated there are basically two approaches.

- List-based - Set the criteria, identify individuals, and find them using their last known address. Determine their status regarding deportation
- Logistics – Figure out how to transport them from wherever to where they need to be within certain time frames, considering all the different federal policies, customs, or norms. Once they are apprehended, they need to be put into federal detention.

It is his perception that the federal government, along with state and local governments, will share their data and combine their databases to help find and sort them. He also mentioned that he is focused on how to move people around effectively and efficiently from one point of apprehension to the various facilities while meeting certain timelines and ensuring they are safely and humanely detained.

Executive Director Keefe also noted that Director Kevin Guthrie of the Division of Emergency Management is skilled at relocating people and materials in stressful emergencies. He mentioned Lieutenant General Joh Haas of the Florida National Guard has special abilities regarding security as well. He said that there is a way to rapidly get judge advocates and military lawyers authorized to act as immigration judges. He also emphasized that getting the sheriff's deputies and the police officers out in the field is critical. There are viable solutions with critical aspects of cost, but in terms of rapid deployment speed, people are ready to go, and the state is waiting for federal review consideration and authorization.

In conclusion, he said he will try his best to be diplomatic and measured, but he is an honest straight shooter on identifying frictions. He also mentioned he believes Florida has a lot to offer as a model or blueprint for the rest of the country. As a reminder, he shared a few important highlights, not to exclude any other important things:

- 287(g) – This is very important, and the law requires signing up for it. The statute expresses the importance of exercising the best efforts for the mission.

- It is important to know if the law is a federal law, a federal statute, an act of Congress, or a policy, norm, or custom.

RECOMMENDATION: *This agenda item was for information purposes.*

COUNCIL ACTION: *No Council action was required.*

AGENDA ITEM 4: OVERVIEW OF IMMIGRATION

Sheriff Bob Gualtieri gave an overview of immigration to the Council.

Sheriff Gualtieri is a subject matter expert in illegal immigration and is also an attorney. His focus has been on what actions can be taken and what the limits are so that federal law, state law, or any other constitutional issues are not violated. He wants to find ways to get to the finish line against the constraints of the laws, rules, regulations and around the obstacles whenever possible. He mentioned that federal immigration law is complicated, with many rules, laws, and regulations that are hard to navigate. The goal is to view it from a local law enforcement perspective since it has usually been a federal responsibility.

In the Department of Homeland Security (DHS), you have Immigration and Customs Enforcement (ICE), which includes the Enforcement Removal Operation (ERO), and on the other side, you have Homeland Security Investigations (HSI). When mentioning ICE, they often refer to ERO, not HSI, because many people do not know or understand the difference.

The terms administrative (administrative charges and administrative warrants) mean civil and not criminal. So, when discussing immigration violations and you're talking about immigration charges, there are many immigration matters that are criminal. There are also many that have a civil companion to them, or a lot that are civil with a criminal companion. Additionally, some things in immigration law are purely civil with no criminal charges, and people often get this confused, mixing things up.

- For example, it is a crime under federal law and a companion civil charge if you cross the border illegally; it's criminal and civil.
- However, if you overstay, and all you do is come here legally and you're on a visa that is not criminal, and someone cannot be criminally charged under federal law.

The following information was copied from Sheriff Gualtieri's presentation to the Council (with the exception of any pictures and/or graphs:

- State and local law enforcement officers have no authority to enforce federal immigration law without special designated authority from the Department of Homeland Security (DHS) secretary.
- There are three types of immigration enforcement programs under which state and local law enforcement may act as Designated Immigration Officers (DIOs) and assist U.S. Immigration and Customs Enforcement (ICE) in enforcing civil and criminal federal immigration law. *
- *There is another assistance model under which ICE officers are embedded in county jails and do their own investigations and take their own actions inside the jail. This model is rare and not a common practice. They do not have the personnel to staff county jails in most places.
- All state and local law enforcement assistance programs derive their authority from §287(g) of the Immigration and Nationality Act (INA), which is codified in federal law. The three programs are:
 - Warrant Service Officers (WSO)
 - Jail Enforcement Model (JEM)

- Taskforce Model (cops on the street)
- The DHS Secretary has great latitude in implementing the programs and establishing their requirements for training and designation of state and local law enforcement officers as DIOs.
- ICE has placed illegal aliens into categories of priority for removal. Those who are a top priority for removal are:
 - Criminal illegals;
 - Those who pose a public safety or national security threat;
 - Those who have been previously removed but have illegally returned to the U.S; and
 - Those with final judge-issued deportation orders who have ignored the orders and remained in the U.S.
- As stated, **criminal illegal aliens** (those who have committed crimes) are a priority for removal. The safest and most effective way for local law enforcement to help ICE remove the criminal illegals is to turn them over to ICE from the county jail upon the conclusion of their state charges. This process mitigates non-priority collateral arrests, which maximizes limited ICE bed space.
- Turning criminal illegals over to ICE from the jail is vital to effective public safety because these people should not:
 - Be in the U.S. illegally;
 - Commit awful crimes for which they are arrested;
 - Be free from jail on pre-trial release (bail) while their criminal cases wind through the state court system; or
 - Released to the community post-sentence
- Some Examples:
 - One criminal illegal in the Pinellas County jail is from Mexico, and he is charged with 20 different counts of possession of child pornography.
 - Another person is one we arrested for lewd and lascivious battery of a child under 12 years old, and he is here illegally from El Salvador.
 - Another illegal from Mexico we arrested for sexual battery or raping a child under 12 years old.
 - Yet another illegal is from Cuba, and he is charged with DUI manslaughter for killing someone while driving drunk and resisting arrest.
 - Another illegal here from Honduras raped a physically helpless person and committed numerous acts of lewd and lascivious molestation on a child.
- These people, and others like them, need to be immediately transferred to ICE custody and removed, either contemporaneously with their pre-trial release on state charges or after having served their sentence.

Under no circumstance should they be allowed back in our communities, and without maximizing cooperation between the county jail and ICE, that's exactly what happens.
- Here's how the cooperation works:
 - ICE learns that a criminal illegal has been booked into a county jail through biometric and biographical information sharing between the county jail and ICE.
 - When ICE determines that it wants to take custody of a criminal illegal from the jail, that is accomplished by turning the person over to ICE through the immigration detainer process.
- Contrary to misinformation, ICE detainers have no applicability outside of a jail setting.

Detainers are inapplicable to city police departments in Florida or any law enforcement officer on the street.

- An immigration detainer (I-247) is a “request” by ICE to a jail to hold the person on **civil** federal immigration charges for up to 48 hours after their criminal state law case is resolved so that ICE may safely and effectively take the person into custody.
- The I-247 is a “request,” and it has no force of law.

Nothing in federal law permits a jail to hold someone *solely* on a civil immigration detainer.

Many federal court decisions over the years have held that detainers carry no legal authority to hold anyone.

- Because detainers alone carry no legal authority to hold someone in custody beyond their state charges, there must be an independent legal basis to do so. This is accomplished by:

Option 1:

ICE having a housing agreement with a jail (BOA or IGSA)

An ICE officer taking the person into federal custody immediately upon conclusion of their state charges by ICE serving a civil arrest warrant (I-200) or warrant of removal (I-205) **and** issuing a booking form to the jail (I-203).

All 67 counties in Florida have a BOA or IGSA in place.

Under this option, the jail may hold the person on the booking form (I-203) for up to 48 hours in the case of a BOA and 72 hours if the jail has an IGSA.

ICE does its work under this option and the hold functions like a “courtesy hold.”

Option 2:

This option operates under the WSO program, and the civil immigration custody is affected by a jail deputy or officer acting under their federal immigration DIO authority.

ICE provides the jail a detainer accompanied by a civil arrest warrant (I-200 or I-205).

A WSO serves the warrant and the detainer on the criminal illegal immediately upon conclusion of their state charges, thus giving ICE 48 hours to pick the person up and take them into civil immigration custody.

- **WSO Model** – Under the WSO program, county jail personnel receive eight hours of training, are designated as WSOs and simply lodge the detainer, watch for the person’s state law charges to be resolved, serve the warrant, and notify ICE to pick the person up within 48 hours of the state charge custody ending.

County jail personnel do not conduct immigration investigations under the WSO model; they simply notify ICE and serve the civil warrants.

- **JEM Model** – Because it takes time for the biometric or biographical matches to occur, there are times when criminal illegals are booked into the jail and released before ICE issues a detainer and warrant.

The JEM model mitigates or eliminates this because detention deputies and correctional officers in the county jails are trained and designated under the authority of §287(g) and the DHS secretary’s guidance to conduct actual immigration investigations, not merely to serve warrants.

JEM training has traditionally been 4 weeks long and was only conducted in-person in Charleston, S. C.

JEM personnel have direct access to the ICE databases, conduct their own queries, make their own biometric and biographical matches, etc.

Under the JEM model, jail personnel identify foreign-born persons upon booking and conduct a separate immigration investigation to determine alienage and removability.

Each of these jail-based immigration investigations takes between one and three hours, and as a result, the county jail officer may issue a detainer and seek a warrant from an ICE supervisor.

The JEM model is time-consuming, as jail personnel conduct the investigation, make charging decisions/recommendations to an ICE supervisor, build case files, etc.

In Florida, there are **four** JEM county jails (Collier, Hernando, Clay, and Duval).

The remaining 63 county jails have a WSO agreement.

However, only 41 jails currently have active WSOs because of a backlog in the ICE training and credentialing process.

That means detainees with warrants *are not* being served by county jail personnel in **22** of Florida's **67** county jails.

There are no plans to expand the JEM program beyond the four current jails, and any revisions to the four-week in-person training requirement have not been communicated.

- **The Taskforce Model** - The taskforce model involves law enforcement officers on the street (troopers, deputy sheriffs, police officers) who have received immigration enforcement authority as DIOs.

The task force model has not existed anywhere in the U.S. since it was eliminated by the Obama administration in 2012.

The Trump administration resurrected it in January of 2025.

Like the JEM, the task force model historically required extensive in-person training in Charleston, S.C.

The Trump administration has modified the training, which is now 40 hours and conducted online.

- The process to become a taskforce DIO is:
 - 1) The agency signs an ICE taskforce MOA;
 - 2) The law enforcement agency nominates personnel as DIOs;
 - 3) ICE enrolls the personnel in the DIO training;
 - 4) The personnel complete the training within 60 days of enrollment; and
 - 5) ICE issues the officer credentials and designation of authorities.

- The officer may then function as a DIO within the scope of those authorities.

Currently, some FHP troopers have received training in Florida.

No troopers are designated yet as DIOs (credentials and authorities have not yet been issued).

Sheriffs have received the nomination forms; city police departments have not.

- The ICE arrest warrants are civil warrants, and state and local law enforcement officers have no authority to serve the warrants. (8 CFR 287.5 (d)(3).

There are about 700,000 ICE removal warrants (I-205) in NCIC.

Until Florida law enforcement officers become DIOs, they do not have the authority to arrest anyone on these warrants and must call for an ICE officer to come to the scene to make the arrest.

- In addition to arresting on the I-205s in NCIC, after Florida law enforcement officers become DIOs, they will be authorized to conduct immigration investigations and make probable cause arrests on civil immigration charges.

- We must have a place where the illegal aliens arrested by state and local officers on warrants or based on probable cause can be housed pending transfer to ICE.

We proposed a model where all 67 county jails could temporarily house (48 hours) these people on civil immigration charges pending transfer to ICE.

- Under our plan, sheriffs would have helped ICE by transporting all the arrested illegal aliens from all the jails in Marion County north across the panhandle to ICE sub-offices daily. ICE would have handled the transports south of Marion County.

ICE headquarters would not approve the plan.

Per ICE, only the seven county jails (Collier, Baker, Glades, Pinellas, Orange, Martin, and Walton) with current IGSA or USMS agreements can house these people.

- Under ICE policy, state and local DIOs cannot make probable cause arrests unless authorized to do so by an ICE supervisor.

The FIRC, under our plan, is important for 24/7 access to an SDDO, which can authorize the arrest and issue the warrant (I-200).

- Some of the issues that must be considered before arresting someone on civil immigration charges include:
 - 1) Ensuring the DIO has the right person identified;
 - 2) Ensuring the person is, in fact, not a U.S. citizen or does not have some other legal status:
 - a. Some people have dual citizenship
 - b. Some people are U.S. citizens and don't know it because of their parents' status.
 - c. Some appear to be non-citizens because they carry a passport from one country but really have dual citizenship.
- **Florida Immigration Laws:**
F.S. 811.102
 - (1) Except as provided in subsection (2), an unauthorized alien who is 18 years of age or older and **who knowingly enters or attempts to enter this state after entering the United States by eluding or avoiding examination or inspection by immigration officers** commits a **misdemeanor** of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person convicted of a violation of this subsection must be sentenced to a mandatory minimum term of imprisonment of 9 months.
 - (2)(a) An unauthorized alien who has one prior conviction for a violation of this section and who commits a second violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this paragraph must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.
 - (3) An unauthorized alien may not be arrested for a violation of this section if the unauthorized alien was encountered by law enforcement **during the investigation of another crime** that occurred in this state **and** the unauthorized alien **witnessed or reported such crime or was a victim of such crime**.
 - (4) It is an **affirmative defense** to prosecution under this section if: (a) The Federal Government has granted the unauthorized alien lawful presence in the United States or discretionary relief that authorizes the unauthorized alien to remain in the United States temporarily or permanently; (b) The unauthorized alien is subject to relief under the Cuban Adjustment Act of 1966; or (c) The unauthorized alien's entry into the United States did not constitute a violation of 8 U.S.C. s. 1325(a).

- 811.103 Illegal reentry of an adult unauthorized alien.
 (1) An unauthorized alien who is 18 years of age or older commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she, after having been denied admission, excluded, deported, or removed or having departed the United States during the time an order of exclusion, deportation, or removal is outstanding, thereafter enters, attempts to enter, or is at any time found in this state. **An unauthorized alien does not commit a violation of this subsection** if, before the unauthorized alien's reembarkation at a place outside the United States or his or her application for admission from a foreign contiguous territory:
 - (a) The Attorney General of the United States expressly consented to his or her reapplication for admission; or
 - (b) With respect to an unauthorized alien who was previously denied admission and removed, the unauthorized alien establishes that he or she was not required to obtain such advance consent under the Immigration and Nationality Act, as amended.
- (2) Except as provided in subsection (3), an unauthorized alien who violates subsection (1) must be sentenced to a mandatory minimum term of imprisonment of 1 year and 1 day.

DISCUSSION:

Councilman Prummell stated that Deputy Field Office Director Lopez-Vega mentioned five different inspections for the detention facilities, and they were told that would lessen that in Florida to model Florida Jail Standards. He asked if this was occurring, and Director Juan Lopez-Vega stated that they were looking to mirror the state corrections standards and ERO detention, but this has not been finalized.

Councilman Bage asked about biometrics when the Biden administration rolled under two million people into the country every year for the past four years. Were biometrics collected on everybody who was paroled into the country? Director Lopez-Vega, there could have been cases where they could not, but for the most part, yes.

Chairman Judd stated it is his understanding that there have been 700,00 final warrants or warrants for deportation put into NCIC, and there are supposed to be 1.4 million. He asked Director Juan Lopez-Vega if that is an accurate number and if they anticipate placing the rest of that in the system. Director Lopez-Vega stated that those are the numbers they have been talking about, and he believes the 700,000 was the first dump, and eventually, they will be able to upload the rest.

Councilman Goerke stated that some of the challenges they are having are logistical moving issues and, obviously, manpower issues as well. He asked if this is something that CBP or at least ERO is looking to bolster in the state since Florida seems to be leading the way in the county. Director Lopez-Vega stated that was correct.

Councilman Bage asked Sheriff Gualtieri if he knew why his jail plan was denied. Sheriff Gualtieri said, "Not really, other than they have never used the BOA process in this manner before." Councilman Bage stated he thought it was a great plan and fully endorses it.

Councilman Bage also asked Sheriff Gualtieri what would happen after the 48-hour hold, and in response, Sheriff Gualtieri stated that he would have to be released.

Councilman Prummell asked Chairman Judd if any progress was being made in reaching stated leadership to override the decision. Chairman Judd stated that at the governor's request, he sent a request outlining five topics that were outlined in his early presentation. The Governor was meeting with Border Czar Tom Holman and then was scheduled to meet with President Trump over the weekend. Executive Director Keefe stated that he had been in meetings with senior ICE leadership; however, he did not have any progress to report at this time.

Chairman Judd asked Deputy Field Officer Director Lopez-Vega if he has seen any movement to change ICE rules or if there is any trickle-down from the White House. Director Lopez-Vega stated that he has seen some

communication, but they are limited to what they can see at a local level. He has seen instances where there has been some flexibility to move to adapt.

RECOMMENDATION: *This agenda item was for information purposes.*

COUNCIL ACTION: *No Council action was required.*

AGENDA ITEM 5: GRANT RULES, STATUTES, PROTOCOLS:

Chief of Planning and Performance Cody Menacof presented the Council with a general program overview of the grant rules, process, and functions.

The following information was copied from Mr. Menacof's presentation to the Council:

Section 1: Program Overview:

- Program created under Senate Bill 2C

 - s. 908.1033, F.S.

 - \$250 million in nonrecurring funding

- Program Objectives

 - Support participating agencies in the enforcement of federal immigration laws

 - Provide financial resources for immigration enforcement-related activities

- Program Funding Model

 - First come, first served

 - Rolling application deadline until funds expire

 - Cost reimbursement

- Eligible Grant Recipients

 - Local law enforcement agencies

 - Chief correctional officers operating county detention facilities

Section 2: Activity Areas:

IGP-01: Subletting Detention Beds to ICE

- Allows for reimbursing the cost of housing an illegal alien in the detention facility

- Renovations and construction to facilities are not allowable

- Reimbursed using a bed day rate

- Requires participating agency to maintain logs to track identifier, bed, number of days, and total cost

IGP-02: Equipment, Travel, Lodging for 287(g)

Equipment

- Must be necessary for performing 287(g) activities

- Participating agency must follow its own procurement policy

- Requires participating agency to provide purchase orders, invoices, proof of payment

Travel/Lodging

- Must be directly related to 287(g) activities

- Reimbursed in accordance with State of Florida Travel Guidelines

- Requires the participating agency to complete a travel form and provide associated travel documentation

IGP-03: Training for Immigration Enforcement

- Includes certified apprenticeship programs

- Must have a direct tie to supporting federal immigration laws

- May reimburse registration, training materials, and associated travel costs

- Requires the participating agency to provide agenda, payment, and travel documentation

IGP-04: Hardware and Software

Must be directly related to assisting the federal government in enforcing immigration laws
Cannot include contractual services for programming system
Requires participating agency to provide purchase orders, invoices, proof of payment

IGP-05: Bonus Payments for Officers

One-time bonus of up to \$1,000 plus 7.65% to cover FICA (max. of \$1,076.50 per LEO)
LEO must have participated in one or more DHS at-large task force operations
Does not include operations occurring solely at state or county detention facilities
Requires participating agency to track officer participation and provide certification and paystub for reimbursement

Section 3: Award Process

Step 1: Apply in AmpliFund

Participating agencies will be required to apply in FDLE's grant management system (AmpliFund)
Simplified application compared to federal programs
Requires participating agency to reasonably plan and estimate costs for application budget
All costs must be allowable, reasonable, and necessary in accordance with DFS guidelines (CFOM #01)

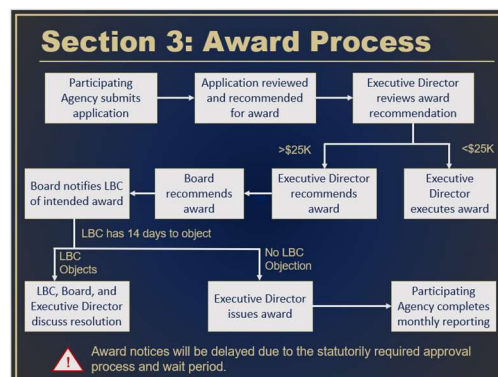
Step 2: Application Review Process

Applications will be reviewed on a first come, first served basis
Incomplete applications will be returned for correction and be eligible for consideration based on the date resubmitted in the system
Complete applications forwarded to Board's Executive Director for recommended approval
Executive Director approves awards of up to \$25K if authorized in rule
Executive Director recommends awards of more than \$25K to the Board
Board must unanimously approve each award
The Board provides notice to the Legislative Budget Commission (LBC) of approved awards.
LBC has 14 days to object to the award before it is issued to the Participating Agency

Step 3: Post-Award Reporting

Participating Agency completes monthly reporting in the AmpliFund system
Participating Agency completes payment request and uploads required documentation in AmpliFund to obtain reimbursement
Participating Agency completes basic performance reporting in AmpliFund

Overview of process:



Section 4: Cost Discussion

Council Responsibilities (s. 908.1032 (4), F.S.)

- Recommend program participation expenses related to 287(g) to be reimbursable by grant.
- Request guidance from ICE for training opportunities and advise on new training activities that could be reimbursable by the grant.
- Recommend on financial resources necessary to aid local agencies in immigration enforcement.
- Recommendations to enhance information sharing

IGP-01: Subletting Detention Beds to ICE

- Eligibility does not appear to include privately run correctional facilities (9 facilities statewide)
- Renovations and upgrades to facilities are not allowable
- Time-limit on number of days beds can be billed per illegal immigrant (i.e., 48 hours)

IGP-02: Equipment, Travel, Lodging for 287(g)

- Firearms and standard-issue equipment
- Vehicles (fleet, boat, transport, etc.)
- Office furniture
- Drones
- Uniforms
- Surveillance equipment
- SWAT-related equipment
- Out-of-state travel/lodging expenses

IGP-03: Training for Immigration Enforcement

- Approved ICE training
- Inter-agency training
- Tactical training

IGP-04: Hardware and Software

- Mobile biometric devices
- COTS/SaaS software
- Upgrades to existing RMS/JMS
- Servers

IGP-05: Bonus Payments for Officers

- Additional performance data to report
- Up to each Participating Agency on amount
- Reasonable expectations for the maximum number of officers per operation (i.e., 20 officers getting a bonus for one small-scale operation)

DISCUSSION:

Chairman Judd reminded the Council that they need to remember that the \$250 million should have protections in place so the funds spent are directly related to proactively removing, housing, or assisting ICE.

Multiple discussions were held between the Council and the presenters. The Council decided that each council member will submit a list of track changes to the proposed rules list to FDLE by the close of business Friday, April 4, 2025, and the Council will hold the next meeting via teleconference at 2:00 p.m. on Wednesday, April 9, 2025

RECOMMENDATION: *This agenda item was for information purposes.*

COUNCIL ACTION: *No Council action was required.*

**Pending Council approval during the
April 2025 Meeting**

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March 2025 Minutes

AGENDA ITEM 6: Establish Grant Priorities and Vote

This agenda item was tabled until the next Council meeting.

AGENDA ITEM 7: New Business

This agenda item was tabled until the next Council meeting.

MEETING ADJOURNED

Seeing no other business before the Council Chairman Judd adjourned the meeting.

The minutes were prepared by Government Operations Consultant Kim Rowell of the Florida Department of Law Enforcement, Criminal Justice Professionalism, Post Office Box 1489, Tallahassee, Florida 32302.