

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SM 6-C

INTRODUCER: Senator Gruters

SUBJECT: Secretary of Homeland Security

DATE: February 11, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Wyant</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

I. Summary:

SM 6-C is a memorial to the Secretary of the U.S. Department of Homeland Security urging the Secretary to provide guidance, training opportunities, and any other necessary directives for 287(g) agreements under the Immigration and Nationality Act, 8 U.S.C. s. 1357.

The 287(g) program allows for the U.S. Immigration and Customs Enforcement (ICE) to partner with state and local law enforcement agencies to identify and remove incarcerated criminal aliens. In 2022, the Legislature required all law enforcement agencies operating a county detention facility to enter into 287(g) agreements with ICE.

President Trump issued the executive order *Protecting the American People Against Invasion* directing Secretary of Homeland Security to enter into 287(g) agreements to perform the functions by assisting the federal government with the investigation, apprehension, or detention of illegal aliens.

The memorial states Florida is ready to provide assistance and the state's training facilities are available and prepared to meet the anticipated training and operational needs of state and local law enforcement agencies entering into 287(g) agreements.

Finally, the memorial urges the Secretary of Homeland Security to provide guidance on 287(g) agreements to maximize Florida's assistance to the Federal Government in its immigration enforcement efforts.

The memorial does not have a fiscal impact on the state or local governments.

II. Present Situation:

Memorials

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.¹

287(g) Immigration Program

Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which established the 287(g) program.² The 287(g) program is part of the Immigration and Nationality Act, 8 U.S.C. s. 1357 and allows the U.S. Immigration and Customs Enforcement (ICE) to partner with state and local law enforcement agencies to identify and remove incarcerated criminal aliens who are amenable to removal from the United States before they are released into the community. There are two program models:

- The Jail Enforcement Model; and
- The Warrant Service Officer program.

The Jail Enforcement Model is designed to identify and process removable aliens who are arrested by state and local law enforcement and have criminal or pending criminal charges. The Warrant Service Officer program allows ICE to train, certify, and authorize state and local law enforcement officers to serve and execute administrative warrants on aliens in their agency's jail.³

In 2022, the Legislature passed CS/SB 1808 which required each law enforcement agency operating a county detention facility to enter into a written agreement with the ICE to participate in the 287(g) program.⁴ Until the law enforcement agency enters into the written agreement, the agency must notify the Department of Law Enforcement (FDLE) quarterly of the status of such written agreement and any reason for noncompliance if applicable.⁵

According to FDLE, 47 counties and the Department of Corrections have executed agreements with ICE.⁶

¹ The Florida Senate, Office of Bill Drafting Services, *Manual for Drafting Legislation*, 137-138 (2009), <https://flsenate.sharepoint.com/sites/Secretary/Publications%20Library/Forms/AllItems.aspx?id=%2Fsites%2FSecretary%2FPublications%20Library%2FManual%20for%20Drafting%20Legislation%20%28Senate%29%2Epdf&parent=%2Fsites%2FSecretary%2FPublications%20Library>.

² 8 U.S.C. s. 1101

³ U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, (January 24, 2025), available at <https://www.ice.gov/identify-and-arrest/287g> (last visited February 8, 2025).

⁴ Section 908.11, F.S. A law enforcement agency is not required to participate in a particular program model.

⁵ *Id.*

⁶ Florida Department of Law Enforcement, *SB 1808 Immigration Enforcement (2022)*, (on file with the Senate Committee on Criminal Justice).

Executive Order Protecting the American People Against Invasion

On January 20, 2025, President Trump issued the executive order *Protecting the American People Against Invasion* to ensure that the Federal Government protects the American people by faithfully executing the immigration laws of the U.S.. Within this order:

- The Attorney General and the Secretary of Homeland Security are required to establish Homeland Security Task Forces (HSTFs) in all states, the composition of such to include representation from relevant state and local law enforcement agencies.
- The Secretary of Homeland Security may, through 287(g) agreements, authorize state and local law enforcement officials, as deemed appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the discretions of the Secretary of Homeland Security.
- The Secretary of Homeland Security is permitted to structure the 287(g) agreements in the manner necessary to provide the most effective model for enforcing federal immigration laws.
- The Secretary of Homeland Security must promptly issue guidance to ensure maximum compliance by Department of Homeland Security personnel with the provisions of 8 U.S.C. 1373 and 8 U.S.C. 1644 and ensure that State and local governments are provided with the information necessary to fulfill law enforcement, citizenship, or immigration status verification requirements authorized by law.⁷

Florida's Efforts to Combat Illegal Immigration

In response to the border crisis, the Legislature has passed state laws to combat illegal immigration.⁸ Further, Florida provides an environment for year-round assets for law enforcement training, through continued cooperation in immigration legislation and enforcement, and training facilities such as the Camp Blanding Joint Training Center (CBJTC). The CBJTC is located near Starke, Florida, and is a 73,000-acre premier training center for Florida National Guard units. The training center provides ranges, education facilities, and simulation platforms, and other services to the Florida National Guard and numerous federal, state, and local customers.⁹

III. Effect of Proposed Changes:

The memorial urges the Secretary of Homeland Security to provide guidance, training opportunities, and any other necessary directives to ensure cooperation and coordination with 287(g) agreements and to maximize the state and local law enforcement agencies impact in assisting the Federal government in combatting the effects of the unprecedented flood of illegal immigration to the United States.

⁷ Executive Order by President Trump, *Protecting the American People Against Invasion* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> (last visited February 8, 2025).

⁸ See SB 1808 (2022), SB 1718 (2023), HB 1598 (2024), SB 1036 (2024), HB 1451 (2024).

⁹ Florida National Guard, *Camp Blanding Joint Training Center*, available at <https://fl.ng.mil/Commands/Camp-Blanding-Joint-Training-Center/>. (last visited February 8, 2025).

Copies of the memorial will be sent by Florida's Secretary of State to the Secretary of the U.S. Department of Homeland Security, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The memorial does not require the counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
