

THE FULL TEXT OF THE PROPOSED RULE IS:

**11QER25-1 Definitions.**

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

- (1) “Board” means the State Board of Immigration Enforcement.
- (2) “Correctional officer” has the same meaning as found in s. 943.10(2), F.S.
- (3) “Council” means the State Immigration Enforcement Council.
- (4) “Department” means the Florida Department of Law Enforcement.
- (5) “Eligible Application” is an application for grant program funds, which meets the requirements of rules 11QER25-2 and 11QER25-3, F.A.C.
- (5) “Executive Director” means the Executive Director of the State Board of Immigration Enforcement.
- (6) “Fiscal year” means the fiscal year for the State of Florida, beginning July 1 of a given year and ending the subsequent June 30.
- (7) “Grant program” means the Local Law Enforcement Grant Program.
- (8) “Jail Enforcement Model” means an authorized delegation of authority by the United States Immigration and Customs Enforcement to a local law enforcement officer to perform designated immigration officer functions under the direction and oversight of Immigration and Customs Enforcement in a jail or corrections setting.
- (9) “Local law enforcement agency” means a law enforcement agency of any county, municipality, or other political subdivision of the state, as well as any chief correctional officers operating county detention facilities.
- (10) “Local law enforcement officer” means any law enforcement officer, as defined in s. 943.10, Florida Statutes, if that officer is elected, appointed, or employed by any county, municipality, or other political subdivision of the state.
- (11) “Task Force Model” means an authorized delegation of authority by the United States Immigration and Customs Enforcement to a local law enforcement officer to perform designated immigration officer functions under the direction and oversight of Immigration and Customs Enforcement in non-custodial settings during routine law enforcement activities.
- (12) “Warrant Service Officer” means a certification program for law enforcement officers to perform limited functions of a designated immigration officer within a jail or corrections facility to assist the United States Immigration and Customs Enforcement to ensure that unauthorized aliens are not released into the community.

**11QER25-2 Funds Availability and Eligibility.**

(1) The amount of funds available shall be that amount appropriated each fiscal year to the Board by the legislature.

(2) The Board shall attempt to obligate all of the funds available in the current fiscal year. Funds will be disbursed on a first-come, first-served basis according to the date of receipt if an application is deemed eligible as provided in this rule chapter. Funds allocated through the grant program may not exceed annual legislative appropriations, nor may funds be reallocated for the grant program except as authorized by the legislature or this rule chapter.

(3) A local law enforcement agency may be eligible for reimbursement of costs through the grant program only for purposes provided in 11QER25-3 and only if the local law enforcement agency attests and verifies compliance with all applicable statutory obligations found in Chapter 908, Florida Statutes, and the reporting requirements set forth in this rule chapter.

a) Pursuant to the Board's data collection requirements as described in s. 908.1031(3)(e), F.S., any local law enforcement agency seeking reimbursement through this grant program must attest and verify that it collects and reports the following individualized data points on interactions with suspected unauthorized aliens in accordance with the policies and procedures of the law enforcement officer's employing agency when a suspected unauthorized alien is encountered to the Department through an electronic platform the Department agrees to at least by the 15<sup>th</sup> day of each subsequent month:

1. For the date of contact:

i. Date of contact between the unauthorized alien and the local law enforcement agency.

2. For the contacting agency:

i. Name of the agency that is reporting the contact

ii. Name and title of the contacting law enforcement officer.

3. The location of the unauthorized alien contact:

i. the city or unincorporated area in which an encounter between an unauthorized alien and a local law enforcement officer took place.

ii. the county in which an encounter between an unauthorized alien and a local law enforcement officer took place.

iii. the address at which an encounter between an unauthorized alien and a local law enforcement officer took

place.

4. Personal identifying information of the unauthorized alien contact, to include:
  - i. The unauthorized alien's first name.
  - ii. The unauthorized alien's middle name.
  - iii. The unauthorized alien's last name.
  - iv. The unauthorized alien's country of citizenship.
  - v. The unauthorized alien's Alien Registration Number (if applicable).
  - vi. The unauthorized alien's date of birth.
  - vii. The unauthorized alien's sex.
5. Current contact information for the unauthorized alien contact, to include:
  - i. A complete street address with city, state, and zip code.
  - ii. A current telephone number.
6. Contact information, to include:
  - i. A street address for the unauthorized alien contact's current employer.
7. Identified or suspected criminal gang affiliations of the unauthorized alien contact.
8. Vehicle information associated with the unauthorized alien contact, to include:
  - i. A description of the vehicle.
  - ii. Registration information for the vehicle.
  - iii. License plate information for the vehicle.
9. Criminal history information of the unauthorized alien contact, identified as either "yes" or "no."
10. Information regarding whether citizenship was verified with Immigration and Customs Enforcement. For response, the agency shall provide a "yes" or "no" response.
11. Criminal arrest information for the unauthorized alien contact arising from the encounter, if applicable, to include:
  - i. information regarding criminal charges listed in order of severity.
  - ii. Information describing whether Immigration and Customs Enforcement was contacted during the encounter.
  - iii. If Immigration and Customs Enforcement was contacted during the encounter, whether personnel from that agency responded.

- iv. If Immigration and Customs Enforcement personnel did not respond, the local law enforcement agency will provide a narrative describing the reasons provided.
  12. A photograph of the unauthorized alien contact that provides a clear image of the contact's face and neck. A photograph is not necessary if a jail facility takes a booking photograph of the unauthorized alien contact subsequent to a criminal arrest.
- b) Pursuant to the Board's data collection requirements as described in s. 908.1031(3)(e), F.S., any local law enforcement agency seeking reimbursement through this grant program must attest and verify that it collects and reports the following summary data to the Department through an electronic platform the Department agrees to at least by the 15<sup>th</sup> day of each subsequent month:
  1. The total number of law enforcement officers maintaining an active designated immigration officer status each month through the Task Force Model under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.
  2. The number of immigration investigations conducted by a participating agency's designated immigration officers each month while duly cross sworn as a designated immigration officer through the Task Force Model under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.
  3. The number of immigration investigations conducted by a participating agency's designated immigration officers that results in an arrest while such officers are duly cross sworn as a designated immigration officer through the Task Force Model under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.
  4. The number of times a participating agency's law enforcement officers initiate arrests for only civil immigration charges while duly cross sworn as a designated immigration officer through the Task Force Model under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357.
- c) Pursuant to the Board's data collection requirements as described in s. 908.1031(3)(e), F.S., any local law enforcement agency seeking reimbursement through this grant program that operates a county detention facility must attest and verify that it collects and reports the following summary data to the Department through an electronic platform the Department agrees to at least by the 15<sup>th</sup> day of each subsequent month:
  1. The number of immigration detainer (I-247) forms it receives from Immigration and Customs Enforcement each month, accompanied by any associated arrest warrants (I-200 form) and/or warrants of removal (I-205) forms. The law enforcement agency shall report the number of detainers accompanied by arrest warrants and warrants of

removal, respectively.

2. The number of immigration detainees the agency receives from Immigration and Customs Enforcement and are subsequently cancelled, with the subject of the detainer having been released without being transferred to the custody of Immigration and Customs Enforcement.
3. The number of unauthorized aliens for whom the agency received an immigration detainer from Immigration and Customs Enforcement, but who Immigration and Customs Enforcement ultimately failed to take into custody within the required 48-hour time period, thus requiring the agency to release the individual from custody.
4. The highest state law offense classification for each unauthorized alien for whom Immigration and Customs Enforcement issues an immigration detainer.
5. The number of unauthorized aliens who meet the criteria noted in 1. through 4. who were charged with a violent crime.
6. The number of unauthorized aliens for whom the agency receives an immigration detainer from Immigration and Customs Enforcement after the person was already released on state criminal charges.
7. The number of unauthorized aliens for whom the agency lodges immigration detainees before Immigration and Customs Enforcement makes an independent biometric or biographic match through the normal booking process.
8. The number of unauthorized aliens the agency transports from its jail facility to an Immigration and Customs Enforcement facility upon conclusion of the 48-hour immigration detainer period in lieu of Immigration and Customs Enforcement taking custody of the individual at the jail facility.
9. The monetary amount of reimbursement costs the agency received from Immigration and Customs Enforcement in the prior month, the agency's reimbursement rate from Immigration and Customs Enforcement, and how many beds the agency incurred for housing unauthorized aliens from the time those aliens' state law charges were resolved until they were either released from jail or to the custody of Immigration and Customs Enforcement. The agency shall also report the difference between its actual unauthorized alien housing cost and the reimbursable amount for each month.

(4) A local law enforcement agency may not submit an application or receive grants for any activity for which the agency has received, or expects to receive, federal or other funding.

(5) A local law enforcement agency may not receive reimbursements greater than \$1,000,000 in a particular fiscal year without prior approval by the Board.

(6) A local law enforcement agency who attests to comply with the requirements with this rule but that are found to not be in compliance with all requirements by the Board will forfeit eligibility for the remainder of the fiscal year.

(7) Consistent with a first-come, first-served basis, the Board may prioritize reimbursements to Fiscally Constrained Counties, as defined in s. 218.67, F.S., whenever possible.

Rulemaking Authority Laws of Florida 2025-1; Law Implemented Laws of Florida 2025-1 History–New - - -

**11QER25-3 Eligible Purposes and Programs.**

(1) A local law enforcement agency may apply to the Board for reimbursement of the following expenses, listed in order of priority:

(a) Training programs, including certified apprenticeship programs, the Warrant Service Officer training, the Jail Enforcement Model training, the Task Force Model training under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357, and other programs related to supporting the enforcement of federal immigration laws, including:

1. Additional costs associated with training materials, travel, and other costs associated with training, and
2. Overtime costs, including associated benefits, for hours spent in training. All overtime reimbursements shall be in accordance with the participating agency’s established pay policies and procedures. Overtime costs shall not exceed one and a half times of an officer’s hourly pay. Reimbursement for personnel costs of backfilling positions dedicated to the immigration mission is not permitted.
3. For local law enforcement agencies with over 75 law enforcement officers, the agency may only seek training reimbursement costs for up to twenty percent of their sworn personnel in a particular fiscal year.
4. For local law enforcement agencies with between 31 and 75 law enforcement officers, the agency may only seek training reimbursement costs for up to thirty percent of their sworn personnel in a particular fiscal year.
5. For local law enforcement agencies with thirty or less law enforcement officers, or for those who are located in a fiscally constrained county as defined in s. 218.67, F.S., the agency may only seek reimbursement costs for up to fifty percent of their sworn personnel in a particular fiscal year.
6. Notwithstanding paragraphs c – e, any local law enforcement agency may seek a reimbursement for at least 10 law enforcement officers regardless of agency size.

(b) Detention beds sublet to the United States Immigration and Customs Enforcement for a temporary period.

1. Reimbursement eligibility shall only be for the time between when an unauthorized alien is released from custody for a state criminal offense until the time that the unauthorized alien either leaves the jail facility or is transferred into custody of Immigration and Customs Enforcement. Reimbursement will be available each day within that time frame in which the unauthorized alien remains in custody for twelve hours or more.
  2. Facilities with a Basic Ordering Agreement (BOA) may receive up to \$75 per reimbursable day if the facility will also receive or apply for reimbursement from Immigration and Customs Enforcement. Funds requested through this program may not supplant federal funding.
  3. Facilities with a Basic Ordering Agreement (BOA) may receive up to \$100 per reimbursable day if the facility will not receive or apply for reimbursement from Immigration and Customs Enforcement. Funds requested through this program may not supplant federal funding.
  4. Facilities with an Intergovernmental Service Agreement will be reimbursed the difference between their daily bed rate, as specified in their Intergovernmental Service Agreement, and the established reimbursement maximum of \$100 per day under this program.
- (c) Costs associated with transporting unauthorized aliens on behalf of Immigration and Customs Enforcement, to include:
1. Round trip reimbursement from the point of departure to the point of return not to exceed State of Florida travel thresholds provided in s. 112.061, Florida Statutes, and 69I-42.010, Florida Administrative Code.
  2. Overtime costs, including fringe benefits, for a maximum of two law enforcement officers conducting the transport of an unauthorized alien. All overtime reimbursements shall be in accordance with the participating agency's established pay policies and procedures and shall not exceed one and a half times of the officer's hourly pay rate.
- (d) Equipment, travel, and lodging directly related to detaining and transporting unauthorized aliens or directly related to active participation in task force activities under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. Travel and lodging costs may be reimbursed only if they were incurred pursuant to a participating agency's involvement in task force activities with or for Immigration and Customs Enforcement.
1. All equipment reimbursement requests must receive approval by the Board prior to the purchase and request for reimbursement. Equipment purchases or reimbursements must have a direct nexus to immigration enforcement. No vehicle, vessel, or aircraft will be approved for reimbursement.
- (e) A bonus of up to \$1,000 for each local law enforcement officer employed by a local law enforcement agency who is

credentialed as a designated immigration officer and participates in at least one United States Department of Homeland Security task force operation under section 287(g) of the Immigration and Nationality Act, as found at 8 U.S.C. s. 1357, subject to the following criteria: The bonus shall include an additional 7.65% for the officer's share of Federal Insurance Contribution Act tax on the bonus. A local law enforcement agency may not apply for more than one bonus for any particular local law enforcement officer over the life of the program.

- (f) A local law enforcement agency may apply to the State Board of Immigration Enforcement to provide bonus payments for the agency's certified correctional officers who are a warrant service officer or a designated immigration officer under the jail enforcement model under section 287(g) of the Immigration and Nationality Act, as found at 8 U.S.C. s. 1357, subject to the following criteria: The bonus shall include an additional 7.65% for the officer's share of Federal Insurance Contribution Act tax on the bonus. A local law enforcement agency may not apply for more than one bonus for any particular local correctional officer over the life of the program. The local law enforcement agency must certify to the Board that the certified correctional officer acted in such capacity as a warrant service officer or a designated immigration officer under the jail enforcement model for at least 6 months preceding the application and provide any information requested by the Board. Correctional officers are not eligible for operations solely at state correctional facilities.
- (g) Hardware or software essential to assisting the Federal Government in its enforcement of federal immigration laws. A local law enforcement agency seeking reimbursement for hardware or software costs must articulate in its application a direct need to acquire the hardware or software for immigration enforcement purposes and why preexisting resources are inadequate.
- (h) Any associated or incidental costs related to the moving, transporting, lodging, temporary detention, or security of unauthorized aliens essential to assisting the Federal Government in its enforcement of federal immigration laws or related to active participation in task force activities under section 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357 not previously enumerated and not otherwise prohibited. A local law enforcement agency seeking reimbursement for the moving, transporting, lodging, temporary detention, or security of unauthorized aliens must articulate in its application the justification of a direct need to acquire said expenses and provide all receipts for said expenses.
- (2) All reimbursements with grant funds must be reasonably priced based on current market review at the time of the expense, and must be necessary for the operations and success of immigration enforcement. All costs must be allowable, reasonable, and necessary in accordance with Department of Financial Services, Chief Financial Officer Memorandum No. 1, available at <https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/cfo-memos/cfo-memo-no-01--->



[contract-and-grant-reviews-and-related-payment-processing-requirements.pdf?sfvrsn=1a73801c\\_3](#).

- (3) A local law enforcement agency may not receive more than \$500,000 in reimbursed overtime expenses during a particular fiscal year without approval by the Board.
- (4) The Board may authorize increases in funding allocations subject to the availability of unallocated grant funds through the issuance of a supplemental grant award amendment.

*Rulemaking Authority Laws of Florida 2025-1; Law Implemented Laws of Florida 2025-1 History–New - - -*

#### **11QER25-4 Application and Award Procedures.**

(1) Each fiscal year in which funds are appropriated for the grant program by the legislature, the Board shall release a funding solicitation to notify local law enforcement agencies of the availability of funds and eligibility criteria.

(2) A local law enforcement agency that seeks reimbursement for eligible expenses or for bonus payments pursuant to 11QER25-3 shall submit a completed application via the Department’s electronic grants management system. A local law enforcement agency shall submit an application aggregating estimated costs among all eligible purposes identified in 11QER25-3 for the current state fiscal year.

(3) Upon receipt of a grant application, the Executive Director shall review the application for completeness and compliance with eligibility requirements set out in 11QER25-2 and 11QER25-3. Incomplete applications, or those from local law enforcement agencies that fail to attest to meeting the requirements provided in 11QER25-2(3), F.A.C., shall be denied but agencies may have the opportunity to resubmit a complete application. Any application denied for failing to meet eligibility requirements according to the Executive Director will be submitted to the Board for review and oversight.

(4) Subject to the provisions of this rule chapter, the Executive Director may approve a grant application request up to \$25,000 if the application meets eligibility requirements set out in 11QER25-2 and 11QER25-3.

(5) For any grant application from a local law enforcement agency requesting funds more than \$25,000, upon a review for completeness and eligibility, the Executive Director shall submit the application to the Board with a recommendation to either approve or deny the application.

(6) The Board shall review an application and approve or deny it during its next scheduled public meeting after receipt from the Executive Director. The Board may approve or deny applications en masse on a consent agenda at Board meetings.

(7) Upon approval, the Board must provide notification in writing to the chair and vice chair of the Legislative Budget Commission at least 14 days before a grant may be issued to a local law enforcement agency.

(8) The Executive Director shall notify a local law enforcement agency of the final result of its application in writing within 30 days of a determination of incompleteness or ineligibility, or upon a determination by the Board.

*Rulemaking Authority Laws of Florida 2025-1; Law Implemented Laws of Florida 2025-1 History--New - - .*

**11QER25-5 Reimbursement Procedures for Awarded Grants.**

(1) Upon notification of an approved grant application, a local law enforcement agency may submit reimbursement requests to the Board monthly through the Department's electronic grant management system. Reimbursement requests must be complete for an agency to receive grant funds for eligible expenses.

(2) To receive grant funds for providing beds to the United States Immigration and Customs Enforcement, a law enforcement agency must provide an accounting of the bed days used for immigration enforcement as identified by client ID (i.e., number, last name, or other identifier), date assigned to bed, date departed, and a calculation of the total number of days with associated cost as supporting documentation. This information shall be aggregated on a monthly basis.

(3) To receive grant funds for procuring equipment, travel, or lodging related to 287(g) programs, a local law enforcement agency must provide any applicable purchase orders or requisition forms, invoices, and proof of payments as supporting documentation. Travel documentation in accordance with State of Florida Travel Regulations must be provided for any travel costs. The local law enforcement agency must also attest that equipment reimbursed through the grant program will be used for activities related to a 287(g) program.

(4) To receive grant funds for costs related to training programs or travel related to 287(g) programs, a local law enforcement agency must provide, as applicable, travel vouchers, invoices, copies of any training agenda(s), and proof of payment to the traveler(s) as supporting documentation. Travel expenses reimbursed through the grant program shall not exceed State of Florida travel thresholds provided in s. 112.061, Florida Statutes, and 69I-42.010, Florida Administrative Code.

(5) To receive grant funds for costs related to hardware or software essential to assisting the Federal Government in its enforcement of federal immigration laws, a local law enforcement agency must provide, as applicable, purchase order(s), requisition form(s), invoice(s), and proof(s) of payment as supporting documentation.

(6) To receive grant funds for bonus payments of law enforcement officers through this grant program, a local law enforcement agency is required to submit a signed Bonus Payment Certification form and proof of payment for each officer as supporting documentation.

**11QER25-6 Forms and Instructions.**

These forms may be obtained by contacting the State Board of Immigration Enforcement, P.O. Box 1489, Tallahassee, Florida 32302 or SBIE@fdle.state.fl.us.

Law Enforcement Officer Bonus Payment Certification, Form SBIE-001, revised July 2025, effective date July 2025, hereby incorporated by reference, [https://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](https://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

Certified Correctional Officers Bonus Payment Certification, Form SBIE-002, revised July 2025, effective date July 2025, hereby incorporated by reference, [https://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](https://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

Single Audit Certification, Form SBIE-003, revised July 2025, effective date July 2025, hereby incorporated by reference, [https://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](https://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

Immigration Grant Program Travel Voucher, Form SBIE-004, revised July 2025, effective date July 2025, hereby incorporated by reference, [https://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](https://www.flrules.org/Gateway/reference.asp?No=Ref-_____).