



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Legislation Text

File #: 25-1084, **Version:** 1

Interoffice Memorandum

DATE: July 29, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Danny Banks, Deputy County Administrator | Public Safety Director

CONTACT: Danny Banks

PHONE: 407-836-5381

DIVISION: N/A

ACTION REQUESTED:

Immigration and Customs Enforcement (ICE) Warrant Service Officer Agreement Addendum.

PROJECT: N/A

PURPOSE: On August 5, 2025, the Board will discuss the Immigration and Customs Enforcement (ICE) Warrant Service Officer Agreement Addendum. This discussion will be led by County Attorney Jeff Newton.

BUDGET: N/A



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

July 29, 2025

Orange County Commissioners
Honorable Jerry L. Demings, Mayor
Hon. Nicole H. Wilson, District 1
Hon. Christine Moore, District 2
Hon. Mayra Uribe, District 3
Hon. Maribel Gomez Cordero, District 4
Hon. Kelly Martinez Semrad, District 5
Hon. Michael Scott, District 6
201 South Rosalind Avenue
Orlando, FL 32801

Dear Mayor Demings and Commissioners:

It has come to my attention that on June 26, 2025, Orange County Corrections, at the direction of Mayor Demings, rejected an addendum requested by the United States Immigration and Customs Enforcement ("ICE") and the Florida Sheriffs Association that would have modified your existing 287(g) Warrant Service Officer ("WSO") Agreement. The Addendum would have, among other things, amended your existing 287(g) WSO Agreement to grant your corrections officers the power and authority to transport arrested aliens to an ICE-approved facility when requested by ICE. By rejecting this addendum presented by ICE and Florida Sheriffs, you adopted a sanctuary policy and failed to exercise best efforts in support of the enforcement of federal immigration law.

Section 908.103, Florida Statutes, prohibits law enforcement and local government entities from adopting or having in effect any "sanctuary policy"—a law, policy, practice, procedure, or custom adopted or allowed by a state or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. § 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 participating in a federal immigration operation with a federal immigration agency as permitted by federal and state law.¹ Section 908.104(1), Florida Statutes, requires state and local jurisdictions to "use best efforts to support the enforcement of federal immigration law."²

By rejecting the ICE-proposed Addendum, Orange County has adopted a sanctuary policy. Prohibiting your corrections officers from transporting arrested aliens to ICE-approved

¹ §§ 908.102(6), 908.102(6)(h), Fla. Stat.

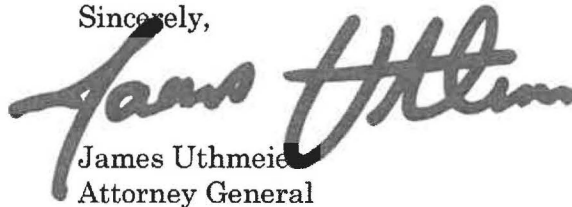
² § 908.104(1), Fla. Stat.

detention facilities squarely prevents your corrections officers from cooperating with ICE and participating in federal immigration operations. And the County's outright rejection of an addendum to its existing 287(g) WSO Agreement—an addendum ICE requested because it would enhance local assistance in the enforcement of federal immigration law—constitutes a failure to use “best efforts” to assist with federal immigration enforcement.

The County's actions are particularly puzzling because illegal aliens represent an obvious danger to the County. In January, Florida Highway Patrol arrested an illegal alien for hitting and killing a 6-year-old Orange County kindergarten student.³ In February, the Orange County Sheriff's Office, in collaboration with the Osceola County Sheriff's Office, arrested five Colombian nationals involved in a series of residential burglaries.⁴ This dangerous group of illegals is suspected to have been operating in multiple western states and are linked to numerous burglaries across the country. These cases clearly show the danger that illegal aliens pose to Orange County. The Commission should always prioritize the safety of its residents over the misguided views of left-wing activists.

Florida law unequivocally forbids sanctuary policies. And it requires local governments to use “best efforts” to assist with federal immigration enforcement. Your recent action violated both laws.⁵ The Commission must immediately adopt the June Addendum and allow Orange County Corrections Officers to transport illegal aliens to ICE-approved detention facilities. Failure to take corrective action will result in the enforcement of all applicable civil and criminal penalties, including removal from office by the Governor pursuant to section 908.107, Florida Statutes, and the Florida Constitution.

Sincerely,



James Uthmeier
Attorney General

³ WDBO, *FHP: Man Accused of Killing Orange County 6-year-old is Undocumented*, Jan. 24, 2025, wdbo.com/news/local/fhp-man-accused-killing-orange-county-6-year-old-is-undocumented/XE4WZUFW5RANTOYK32E7XFSVNI/.

⁴ WFTV, *Colombian Nationals Arrested in Orange and Osceola County Residential Burglary Ring*, Mar. 3, 2025, wftv.com/news/local/colombian-nationals-arrested-orange-osceola-county-residential-burglary-ring/MI7FTGISURHIRDS6VCYKMJNPMSM.

⁵ It also appears that you might violate Florida law again soon. At the Commission's meeting on July 15, 2025, you discussed modifying or rescinding the County's existing Intergovernmental Service Agreement (“IGSA”) with the United States Marshals Service to exclude its existing immigration provisions. As you know, section 908.106, Florida Statutes, expressly requires that “[e]ach 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 county can satisfy this requirement with an IGSA agreement and/or with a basic ordering agreement (“BOA”)—but an agreement providing temporary housing for illegals must always be in place. See § 908.106, Fla. Stat. Consequently, if you choose to eliminate the IGSA's immigration provisions providing temporary housing for illegals, Florida law would require you to immediately enter a BOA. Considering that this IGSA Agreement has been in place since 2011—under both Democrat and Republican administrations—it appears the motivation for the proposed change is entirely political. You should think twice before modifying or rescinding it.

AUG 05 2025

ADDENDUM TO MODIFY MEMORANDUM OF AGREEMENT

U.S. Immigration and Customs Enforcement (ICE) and the Orange County hereinafter the law enforcement agency (LEA), hereby agree to modify the 287(g) Warrant Service Officer Memorandum of Agreement that was effective on the date of execution by which ICE delegates nominated, trained, certified, and authorized LEA personnel to perform certain immigration enforcement functions, as follows:

The following language shall be changed:

-Under Section H Liability and Responsibility:

- LEA personnel who wish to submit a request for representation shall notify the ICE Office of the Principal Legal Advisor (OPLA) in writing at OPLA-DCLD-TortClaims@ice.dhs.gov .

-Under Section I Civil Rights Standards:

- Participating LEA personnel are bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity," dated December 2014,

The following language shall be added:

-Under APPENDIX A STANDARD OPERATING PROCEDURES (SOP)/Authorized Functions:

- The power and authority to detain and transport, 8 U.S.C. § 1357(g)(1) and 8 C.F.R. § 287.5(c)(6), arrested aliens subject to removal to ICE-approved detention facilities;

-Only upon a request of an ICE Officer authorizing such action may participating LEA personnel transport the alien(s) to an ICE-approved facility or ICE office for immigration purposes, and only participating LEA personnel whose ICE Form 70-006 authorizes such action and who are authorized by their LEA to conduct transport operations, may conduct such action.

All other provisions of the MOA remain in full force and effect as set forth therein.

By signing this addendum, each party represents it is fully authorized to enter into this addendum, accepts the terms, responsibilities, obligations, and limitations of this addendum, and agrees to be bound thereto to the fullest extent allowed by law. This addendum is effective upon signature by both parties.

For the LEA:

Date: 8/1/25

Signature: Jerry L. Demings

Name: Jerry L. Demings

Title: Orange County Mayor

Agency: Orange County Government

(Florida)

For ICE:

Date: _____

Signature: _____

Name: _____

Title: _____

Agency: U.S. Immigration and Customs Enforcement

Department of Homeland Security

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For the LEA:

Date: 8/1/25
Signature: Jerry L. Demings
Name: Jerry L. Demings
Title: Orange County Mayor
Agency: Orange County Government
(Florida)

For ICE:

Date: SHAWN Digitally signed
by SHAWN
Signature: ODON O'DONNELL
Name: NELL Date: 2025.08.06
Title: 12:58:40 -04'00'
Agency: U.S. Immigration and Customs Enforcement
Department of Homeland Security