

By Senator Smith

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1 A bill to be entitled
2 An act relating to law enforcement and immigration
3 officer identifying information and face coverings;
4 creating s. 908.14, F.S.; providing a short title;
5 providing definitions; requiring covered immigration
6 officers to wear specified visible identification
7 during public immigration enforcement functions;
8 providing requirements for such visible
9 identification; prohibiting covered immigration
10 officers from wearing face coverings that impair the
11 visibility of identifying information or obscure a
12 covered immigration officer's face; providing an
13 exception; providing duties of the State Board of
14 Immigration Enforcement; requiring the State
15 Immigration Enforcement Council to submit a specified
16 report to the Legislature by a specified date;
17 amending ss. 908.1031 and 908.1032, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 943.1718, F.S.; providing definitions; prohibiting law
20 enforcement officers from wearing face coverings in
21 the performance of their official duties; requiring
22 that specified advance notice be given to a sheriff
23 under certain circumstances; providing applicability;
24 providing criminal penalties; requiring the Department
25 of Law Enforcement to adopt rules by a specified date;
26 providing an effective date.

28 Be It Enacted by the Legislature of the State of Florida:
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Section 1. Section 908.14, Florida Statutes, is created to read:

908.14 Visible Identification Standards for Immigration-Based Law Enforcement Act.—

(1) This section may be cited as the "VISIBLE Act."

(2) As used in this section, the term:

(a) "Covered immigration officer" means a person who is authorized to perform immigration enforcement functions and who is:

1. An officer or employee of a law enforcement agency;

2. An officer or employee of United States Customs and Border Protection;

3. An officer or employee of United States Immigration and Customs Enforcement; or

4. A person authorized, deputized, or designated under federal law, regulation, or agreement to perform immigration enforcement functions.

(b) "Public immigration enforcement function" means any activity that involves the direct exercise of federal immigration authority through public-facing actions, including a patrol, a stop, an arrest, a search, an interview to determine immigration status, a raid, a checkpoint inspection, or the service of a judicial or administrative warrant. The term does not include covert, nonpublic operations or nonenforcement activities.

(c) "Visible identification" means the display of the name or widely recognized initials of the employing agency of a covered immigration officer and such officer's last name or badge or identification number, in a size and format that

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59 complies with the requirements in subsection (4).

60 (3) A covered immigration officer who directly engages in a
61 public immigration enforcement function within this state must
62 wear visible identification at all times during such engagement.

63 (4) The visible identification must:

64 (a) For the name of the employing agency of the covered
65 immigration officer, be displayed in a size and format that is
66 clearly legible from a distance of not less than 25 feet, using
67 materials or markings suitable for visibility in both daylight
68 and low-light conditions under normal operational conditions.

69 (b) For the covered immigration officer's last name or
70 badge or identification number, be displayed in a manner that is
71 clearly visible and readable during direct engagement with the
72 public.

73 (c) Be displayed on the covered immigration officer's
74 outermost garment or gear and may not be obscured by tactical
75 equipment, body armor, or accessories.

76 (5) A covered immigration officer may not wear nonmedical
77 face coverings, including masks or balaclavas, which impair the
78 visibility of the identifying information required under this
79 section or obscure the officer's face unless such face covering
80 is necessary to protect the integrity of a covert, nonpublic
81 operation or to guard against hazardous environmental
82 conditions.

83 (6) The State Board of Immigration Enforcement shall do all
84 of the following:

85 (a) Receive and investigate complaints from the public
86 concerning violations of this section.

87 (b) Ensure that a covered immigration officer who fails to

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88 comply with the requirements of this section receives
89 appropriate disciplinary action, including a written reprimand,
90 suspension, or other personnel action, consistent with the
91 policies of the officer's employing agency and any applicable
92 collective bargaining agreement.

93 (c) Make recommendations to the Legislature concerning
94 compliance with this section and corrective actions that should
95 be taken.

96 (d) Carry out its responsibilities under this section in
97 accordance with its statutory authority.

98 (7) By June 30, 2027, and annually thereafter, the State
99 Immigration Enforcement Council shall submit a report to the
100 President of the Senate and the Speaker of the House of
101 Representatives which includes all of the following information:

102 (a) The total number of public immigration enforcement
103 functions conducted during the reporting period.

104 (b) The number of documented instances of noncompliance
105 with this section.

106 (c) A summary of disciplinary or remedial actions taken
107 against any covered immigration officer who did not comply with
108 this section.

109 Section 2. Paragraph (h) is added to subsection (3) of
110 section 908.1031, Florida Statutes, to read:

111 908.1031 State Board of Immigration Enforcement; creation;
112 purpose and duties.—

113 (3) The board is the chief immigration enforcement officer
114 of the state and shall:

115 (h) Investigate any complaint received for violations of
116 and otherwise enforce the Visible Identification Standards for

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117 Immigration-Based Law Enforcement Act pursuant to s. 908.14.

118 Section 3. Paragraph (i) is added to subsection (4) of
119 section 908.1032, Florida Statutes, to read:

120 908.1032 State Immigration Enforcement Council.—The State
121 Immigration Enforcement Council, an advisory council as defined
122 in s. 20.03, is created within the State Board of Immigration
123 Enforcement for the purpose of advising the board.

124 (4) The council shall:

125 (i) Collect data relating to the Visible Identification
126 Standards for Immigration-Based Law Enforcement Act and, by June
127 30 of each year, submit a report to the President of the Senate
128 and the Speaker of the House of Representatives in accordance
129 with s. 908.14.

130 Section 4. Section 943.1718, Florida Statutes, is amended
131 to read:

132 943.1718 Body cameras and face coverings; policies and
133 procedures; penalties.—

134 (1) DEFINITIONS.—As used in this section, the term:

135 (a) "Body camera" means a portable electronic recording
136 device that is worn on a law enforcement officer's person which
137 ~~that~~ records audio and video data of the officer's law-
138 enforcement-related encounters and activities.

139 (b)1. "Face covering" means any opaque mask, garment,
140 helmet, or other item, including, but not limited to, a
141 balaclava, tactical mask, gator, ski mask, or any other similar
142 type of facial covering or face-shielding item, which conceals
143 or obscures the face of a person.

144 2. The term does not include any of the following:

145 a. A translucent face shield or clear mask that does not

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146 conceal the wearer's face.

147 b. A medical mask or surgical mask used to protect against
148 the transmission of disease or infection.

149 c. Any other mask or device, including, but not limited to,
150 air-purifying respirators, full or half masks, or self-contained
151 breathing apparatuses necessary to protect against exposure to a
152 toxin, gas, smoke, or any other hazardous environmental
153 condition.

154 (c)~~(b)~~ "Law enforcement agency" means an agency that has a
155 primary mission of preventing and detecting crime and enforcing
156 the penal, criminal, traffic, and motor vehicle laws of the
157 state and in furtherance of that primary mission employs law
158 enforcement officers as defined in s. 943.10.

159 (d)~~(e)~~ "Law enforcement officer" has the same meaning as
160 provided in s. 943.10.

161 (e) "Undercover investigation" means a planned act
162 authorized by a law enforcement agency or a court order which
163 intentionally uses an undercover operative to interact with a
164 suspect or others or to obtain evidence of criminal activity.

165 (f) "Undercover operative" means a law enforcement officer
166 or a full-time sworn officer in this state or another state or
167 of the Federal Government using an assumed name or cover
168 identity to interact with persons or entities to collect
169 evidence of criminal activity.

170 (2) BODY CAMERAS.—

171 (a) A law enforcement agency that permits its law
172 enforcement officers to wear body cameras shall establish
173 policies and procedures addressing the proper use, maintenance,
174 and storage of body cameras and the data recorded by body

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cameras. The policies and procedures must include:

1.~~(a)~~ General guidelines for the proper use, maintenance, and storage of body cameras.

2.~~(b)~~ Any limitations on which law enforcement officers are permitted to wear body cameras.

3.~~(c)~~ Any limitations on law-enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras.

4.~~(d)~~ A provision permitting a law enforcement officer using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. Any such provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

5.~~(e)~~ General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

(b)~~(3)~~ A law enforcement agency that permits its law enforcement officers to wear body cameras shall:

1.~~(a)~~ Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency's policies and procedures concerning them.

2.~~(b)~~ Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency's policies and procedures.

3.~~(c)~~ Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, except as otherwise provided by law.

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204 ~~4.(d)~~ Perform a periodic review of actual agency body
205 camera practices to ensure conformity with the agency's policies
206 and procedures.

207 ~~(c)(4)~~ Chapter 934 does not apply to body camera recordings
208 made by law enforcement agencies that elect to use body cameras.

209 (3) FACE COVERINGS.—

210 (a) A law enforcement officer may not wear a face covering
211 in the performance of his or her official duties.

212 (b) Before undertaking an undercover investigation that is
213 reasonably likely to involve a law enforcement officer wearing a
214 face covering in the performance of his or her official duties,
215 a law enforcement agency must provide advance notice to the
216 sheriff with jurisdiction over the location in which the
217 undercover investigation will take place. Such notice must be
218 given at least 12 hours before the undercover investigation
219 begins and must include when and where the law enforcement
220 officer will be operating, his or her planned actions, and the
221 approximate time and duration of the undercover investigation.

222 (c) Paragraph (a) does not apply to:

223 1. A law enforcement officer performing his or her duties
224 as an undercover operative during an active undercover
225 investigation;

226 2. Protective gear used by a Special Weapons and Tactics
227 (SWAT) team officer which is necessary to protect his or her
228 face from harm while performing SWAT team duties and
229 responsibilities; or

230 3. Exigent circumstances that involve an immediate danger
231 or threat to persons or property or the escape of a perpetrator.

232 (d) A first violation of this subsection is an infraction.

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233 A second or subsequent violation of this subsection is a
234 misdemeanor of the second degree, punishable as provided in s.
235 775.082 or s. 775.083.

236 (e) On or before October 1, 2026, the Department of Law
237 Enforcement shall adopt rules regulating the use of face
238 coverings to comply with this subsection.

239 Section 5. This act shall take effect July 1, 2026.