

1 A bill to be entitled
2 An act relating to services to noncitizens; amending
3 s. 125.0167, F.S.; authorizing a county to require
4 proof that certain borrowers are lawfully present in
5 the United States; creating s. 420.0007, F.S.;
6 defining the terms "down payment assistance" and
7 "silent second mortgage"; prohibiting state and local
8 governmental entities and private corporations from
9 providing down payment assistance to a person who is
10 not lawfully in the United States; requiring immediate
11 repayment of downpayment assistance and the initiation
12 of foreclosure proceedings in certain circumstances;
13 prohibiting certain persons from receiving down
14 payment assistance in the future; amending ss.
15 420.5088 and 420.5096, F.S.; restricting eligibility
16 for the Florida Homeownership Assistance Program and
17 the Florida Hometown Hero Program, respectively, to
18 persons who are lawfully present in the United States;
19 amending s. 448.09, F.S.; revising penalties,
20 including suspension of certain licenses and the
21 imposition of fines, for violating provisions related
22 to employing unauthorized aliens; requiring that such
23 fines be deposited into a specified trust fund;
24 conforming provisions to changes made by the act;
25 providing increased penalties, including suspension

26 | and revocation of certain licenses and the imposition
27 | of fines, for violating provisions related to
28 | employing unauthorized aliens where specified injury
29 | or death occurs; requiring that such fines be
30 | deposited into a specified trust fund; providing that
31 | persons injured or the next of kin of persons killed
32 | have a cause of action against employers found to be
33 | in violation of a specified provision; amending s.
34 | 448.095, F.S.; requiring that all private employers,
35 | rather than only those employing a specified number or
36 | more of employees, use the E-Verify system to verify a
37 | new employee's employment eligibility; amending s.
38 | 560.208, F.S.; prohibiting money services business'
39 | licensees from initiating foreign remittance transfers
40 | unless they have verified that the sender is not an
41 | unauthorized alien; defining the term "foreign
42 | remittance transfer"; requiring the Financial Services
43 | Commission to adopt rules; requiring licensees to
44 | submit certain forms to the Office of Financial
45 | Regulation within a specified timeframe; requiring
46 | licensees to pay specified penalties for any foreign
47 | remittance transferred in violation of specified
48 | provisions; requiring quarterly penalty remittances;
49 | requiring licensees to submit certain forms and
50 | penalties to the office within a specified timeframe;

51 requiring the office to deposit such penalties into a
 52 certain fund; amending s. 560.211, F.S.; requiring
 53 that licensees make, keep, and preserve for 5 years
 54 records of certain documentation and penalties paid;
 55 creating s. 560.2115, F.S.; authorizing the office to
 56 request, and requiring licensees to provide, records
 57 of certain documentation; authorizing the filing of
 58 complaints; providing criminal penalties for knowingly
 59 filing false or frivolous complaints; imposing
 60 requirements on the office upon receipt of a valid
 61 complaint substantiated by evidence of a violation;
 62 requiring the office to conduct random quarterly
 63 audits of licensees to ensure compliance with
 64 specified provisions; specifying that failure to
 65 comply with certain provisions constitutes grounds for
 66 the suspension of all licenses issued by the office;
 67 prohibiting the office from auditing a licensee more
 68 than a specified number of times within a specified
 69 timeframe; providing an exception; authorizing the
 70 office to adopt emergency rules; providing for
 71 severability; providing an effective date.

72
 73 Be It Enacted by the Legislature of the State of Florida:

74
 75 **Section 1. Paragraph (c) of subsection (5) of section**

76 **125.0167, Florida Statutes, is amended to read:**

77 125.0167 Discretionary surtax on documents; adoption;
78 application of revenue.—

79 (5)

80 (c) A county may not impose any requirement as a condition
81 to receiving any financial assistance on a borrower other than
82 requiring proof that the borrower is lawfully present in the
83 United States and that the borrower's income does not exceed 140
84 percent of the area median income. In addition to the income
85 eligibility requirement, borrowers may only be subject to loan
86 qualifications of lenders licensed to provide mortgage financing
87 as to the amount of the loan. A county may not create
88 requirements that restrict participation by eligible borrowers.

89 **Section 2. Section 420.0007, Florida Statutes, is created**
90 **to read:**

91 420.0007 Down payment assistance for noncitizens
92 prohibited.—

93 (1) For purposes of this section, the term:

94 (a) "Down payment assistance" includes, but is not limited
95 to, grants to assist in the purchase of residential property
96 which take the form of loans or silent second mortgages.

97 (b) "Silent second mortgage" means a second mortgage used
98 to secure down payment funds for a residential property which is
99 not disclosed to the original mortgage lender before closing
100 occurs.

101 (2) State and local governmental entities and private
 102 corporations, including, but not limited to, nonprofit
 103 organizations incorporated under chapter 617, may not provide
 104 any form of down payment assistance to a person who is not
 105 lawfully present in the United States.

106 (3) If a person who is not lawfully present in the United
 107 States is discovered to have received down payment assistance
 108 from a state or local governmental entity or a private
 109 corporation, the person must immediately repay the down payment
 110 assistance. The governmental entity or private corporation shall
 111 initiate foreclosure proceedings as appropriate against such
 112 person if he or she does not make such repayment.

113 (4) A person who is discovered to have received down
 114 payment assistance in violation of this section is prohibited
 115 from receiving down payment assistance in the future, regardless
 116 of whether his or her presence in the United States becomes
 117 lawful.

118 **Section 3. Section 420.5088, Florida Statutes, is amended**
 119 **to read:**

120 420.5088 Florida Homeownership Assistance Program.—~~There~~
 121 ~~is created~~ The Florida Homeownership Assistance Program is
 122 created for the purpose of assisting low-income and moderate-
 123 income persons who are lawfully present in the United States in
 124 purchasing a home as their primary residence by reducing the
 125 cost of the home with below-market construction financing, by

126 reducing the amount of down payment and closing costs paid by
127 the borrower to a maximum of 5 percent of the purchase price, or
128 by reducing the monthly payment to an affordable amount for the
129 borrower ~~purchaser~~. Loans must ~~shall~~ be made available at an
130 interest rate that does not exceed 3 percent. The balance of any
131 loan is due at closing if the property is sold, refinanced,
132 rented, or transferred, unless otherwise approved by the
133 corporation.

134 (1) For loans made available pursuant to s.
135 420.507(23)(a)1. or 2.:

136 (a) The corporation may underwrite and make those mortgage
137 loans through the program to such persons or families who have
138 incomes that do not exceed 120 percent of the state or local
139 median income, whichever is greater, adjusted for family size.

140 (b) Loans must ~~shall~~ be made available for the term of the
141 first mortgage.

142 (c) Loans may not exceed the lesser of 35 percent of the
143 purchase price of the home or the amount necessary to enable the
144 borrower ~~purchaser~~ to meet credit underwriting criteria.

145 (2) For loans made pursuant to s. 420.507(23)(a)3.:

146 (a) Availability is limited to nonprofit sponsors or
147 developers who are selected for program participation pursuant
148 to this subsection.

149 (b) Preference must be given to community-based
150 organizations as defined in s. 420.503.

151 (c) Priority must be given to projects that have received
152 state assistance in funding project predevelopment costs.

153 (d) The benefits of making such loans must ~~shall~~ be
154 contractually provided to the persons or families purchasing
155 homes financed under this subsection.

156 (e) At least 30 percent of the units in a project financed
157 pursuant to this subsection must be sold to persons or families
158 who have incomes that do not exceed 80 percent of the state or
159 local median income, whichever amount is greater, adjusted for
160 family size; and at least another 30 percent of the units in a
161 project financed pursuant to this subsection must be sold to
162 persons or families who have incomes that do not exceed 65
163 percent of the state or local median income, whichever amount is
164 greater, adjusted for family size.

165 (f) The maximum loan amount may not exceed 33 percent of
166 the total project cost.

167 (g) A person who purchases a home in a project financed
168 under this subsection is eligible for a loan authorized by s.
169 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the
170 construction loan made pursuant to this subsection. The home
171 purchaser must meet all the requirements for loan recipients
172 established pursuant to the applicable loan program.

173 (h) The corporation shall provide, by rule, for the
174 establishment of a review committee composed of corporation
175 staff and shall establish, by rule, a scoring system for

176 evaluating and ranking applications submitted for construction
177 loans under this subsection, including, but not limited to, the
178 following criteria:

- 179 1. The affordability of the housing proposed to be built.
- 180 2. The direct benefits of the assistance to the persons
181 who will reside in the proposed housing.
- 182 3. The demonstrated capacity of the applicant to carry out
183 the proposal, including the experience of the development team.
- 184 4. The economic feasibility of the proposal.
- 185 5. The extent to which the applicant demonstrates
186 potential cost savings by combining the benefits of different
187 governmental programs and private initiatives, including the
188 local government contributions and local government
189 comprehensive planning and activities that promote affordable
190 housing.
- 191 6. The use of the least amount of program loan funds
192 compared to overall project cost.
- 193 7. The provision of homeownership counseling.
- 194 8. The applicant's agreement to exceed the requirements of
195 paragraph (e).
- 196 9. The commitment of first mortgage financing for the
197 balance of the construction loan and for the permanent loans to
198 the purchasers of the housing.
- 199 10. The applicant's ability to proceed with construction.
- 200 11. The targeting objectives of the corporation which will

201 ensure an equitable distribution of loans between rural and
202 urban areas.

203 12. The extent to which the proposal will further the
204 purposes of this program.

205 (i) The corporation may reject any and all applications.

206 (j) The review committee established by corporation rule
207 pursuant to this subsection shall make recommendations to the
208 corporation board regarding program participation under this
209 subsection. The corporation board shall make the final ranking
210 for participation based on the scores received in the ranking,
211 further review of the applications, and the recommendations of
212 the review committee. The corporation board shall approve or
213 reject applicants for loans and shall determine the tentative
214 loan amount available to each program participant. The final
215 loan amount shall be determined pursuant to rule adopted under
216 s. 420.507(23)(h).

217 (3) The corporation shall publish a notice of fund
218 availability in a publication of general circulation throughout
219 this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated
220 availability of funds.

221 (4) There is authorized to be established by the
222 corporation with a qualified public depository meeting the
223 requirements of chapter 280 the Florida Homeownership Assistance
224 Fund to be administered by the corporation according to the
225 provisions of this program. Any amounts held in the Florida

226 Homeownership Assistance Trust Fund for such purposes as of
227 January 1, 1998, must be transferred to the corporation for
228 deposit in the Florida Homeownership Assistance Fund, whereupon
229 the Florida Homeownership Assistance Trust Fund must be closed.
230 There shall be deposited in the fund moneys from the State
231 Housing Trust Fund created by s. 420.0005, or moneys received
232 from any other source, for the purpose of this program and all
233 proceeds derived from the use of such moneys. In addition, all
234 unencumbered funds, loan repayments, proceeds from the sale of
235 any property, and any other proceeds that would otherwise accrue
236 pursuant to the activities of the programs described in this
237 section shall be transferred to this fund. In addition, all loan
238 repayments, proceeds from the sale of any property, and any
239 other proceeds that would otherwise accrue pursuant to the
240 activities conducted under ~~the provisions of~~ the Florida
241 Homeownership Assistance Program shall be deposited in the fund
242 and may ~~shall~~ not be reverted ~~revert~~ to the General Revenue
243 Fund. Expenditures from the Florida Homeownership Assistance
244 Fund are ~~shall~~ not ~~be~~ required to be included in the
245 corporation's budget request or made ~~be~~ subject to appropriation
246 by the Legislature.

247 (5) No more than one-fifth of the funds available in the
248 Florida Homeownership Assistance Fund may be made available to
249 provide loan loss insurance reserve funds to facilitate
250 homeownership for eligible persons.

251 **Section 4. Subsections (2) and (3) of section 420.5096,**
252 **Florida Statutes, are amended to read:**

253 420.5096 Florida Hometown Hero Program.—

254 (2) The Florida Hometown Hero Program is created to assist
255 Florida's hometown workforce in attaining homeownership by
256 providing financial assistance to residents to purchase a home
257 as their primary residence. Under the program, a borrower who is
258 lawfully present in the United States may apply to the
259 corporation for a loan to reduce the amount of the down payment
260 and closing costs paid by the borrower by a minimum of \$10,000
261 and up to 5 percent of the first mortgage loan, not exceeding
262 \$35,000. Loans must be made available at a zero percent interest
263 rate and must be made available for the term of the first
264 mortgage. The balance of any loan is due at closing if the
265 property is sold, refinanced, rented, or transferred, unless
266 otherwise approved by the corporation.

267 (3) For loans made available pursuant to s.
268 420.507(23)(a)1. or 2., the corporation may underwrite and make
269 those mortgage loans through the program to persons or families
270 who are lawfully present in the United States and who have
271 household incomes that do not exceed 150 percent of the state
272 median income or local median income, whichever is greater. A
273 borrower must be seeking to purchase a home as a primary
274 residence; must be a first-time homebuyer and a Florida
275 resident; and must be employed full-time by a Florida-based

276 employer. The borrower must provide documentation of full-time
277 employment or full-time status for self-employed individuals.
278 The requirement to be a first-time homebuyer does not apply to a
279 borrower who is an active duty servicemember of a branch of the
280 armed forces or the Florida National Guard, as defined in s.
281 250.01, or a veteran.

282 **Section 5. Present subsection (5) of section 448.09,**
283 **Florida Statutes, is redesignated as subsection (8), a new**
284 **subsection (5) and subsections (6) and (7) are added to that**
285 **section, and present subsections (3) and (4) of that section are**
286 **amended, to read:**

287 448.09 Unauthorized aliens; employment prohibited.—

288 (3) For an employer that knowingly violates this section,
289 the department shall suspend all licenses issued by a licensing
290 agency pursuant to chapter 120 for 1 year and impose a fine not
291 to exceed \$10,000. Fines must be deposited in the Crimes
292 Compensation Trust Fund ~~For a violation of this section, the~~
293 ~~department shall place the employer on probation for a 1-year~~
294 ~~period and require that the employer report quarterly to the~~
295 ~~department to demonstrate compliance with the requirements of~~
296 ~~subsection (1) and s. 448.095.~~

297 (4) For an employer that knowingly violates this section a
298 second time, the department shall suspend or revoke all licenses
299 issued by a licensing agency pursuant to chapter 120 for 5 years
300 and impose a fine not to exceed \$100,000. Fines must be

301 deposited in the Crimes Compensation Trust Fund ~~Any violation of~~
302 ~~this section which takes place within 24 months after a previous~~
303 ~~violation constitutes grounds for the suspension or revocation~~
304 ~~of all licenses issued by a licensing agency subject to chapter~~
305 ~~120. The department shall take the following actions for a~~
306 ~~violation involving:~~

307 ~~(a) One to ten unauthorized aliens, suspension of all~~
308 ~~applicable licenses held by a private employer for up to 30 days~~
309 ~~by the respective agencies that issued them.~~

310 ~~(b) Eleven to fifty unauthorized aliens, suspension of all~~
311 ~~applicable licenses held by a private employer for up to 60 days~~
312 ~~by the respective agencies that issued them.~~

313 ~~(c) More than fifty unauthorized aliens, revocation of all~~
314 ~~applicable licenses held by a private employer by the respective~~
315 ~~agencies that issued them.~~

316 (5) For an employer that knowingly violates this section a
317 third time, the department shall permanently revoke all licenses
318 issued by a licensing agency pursuant to chapter 120, both for
319 the employer personally and for the business generally, and
320 impose a fine not to exceed \$250,000. Fines must be deposited in
321 the Crimes Compensation Trust Fund.

322 (6) For an employer that knowingly violates this section,
323 and an unauthorized alien employee's actions result in injuries
324 to another person, the department shall suspend or revoke all
325 licenses issued by a licensing agency pursuant to chapter 120

326 for 5 years and impose a fine not to exceed \$100,000. Fines must
327 be deposited in the Crimes Compensation Trust Fund.

328 (7) For an employer that knowingly violates this section,
329 and an unauthorized alien employee's actions result in the death
330 of another person, the department shall permanently revoke all
331 licenses issued by a licensing agency pursuant to chapter 120
332 and impose a fine not to exceed \$500,000. Fines must be
333 deposited in the Crimes Compensation Trust Fund.

334 (8) A person injured or the next of kin of a person killed
335 may bring a cause of action for damages against an employer
336 found to be in violation in subsection (6) or subsection (7).

337 **Section 6. Paragraph (b) of subsection (2) of section**
338 **448.095, Florida Statutes, is amended to read:**

339 448.095 Employment eligibility.—

340 (2) EMPLOYMENT VERIFICATION.—

341 (b)1. A public agency shall use the E-Verify system to
342 verify a new employee's employment eligibility as required under
343 paragraph (a).

344 2. Beginning on July 1, 2025 ~~2023~~, all a private employers
345 ~~employer with 25 or more employees~~ shall use the E-Verify system
346 to verify a new employee's employment eligibility as required
347 under paragraph (a).

348 3. Each employer ~~required to use the E-Verify system under~~
349 ~~this paragraph~~ must certify on its first return each calendar
350 year to the tax service provider that it is in compliance with

351 | this section when making contributions to or reimbursing the
352 | state's unemployment compensation or reemployment assistance
353 | system. ~~An employer that voluntarily uses the E-Verify system~~
354 | ~~may also make such a certification on its first return each~~
355 | ~~calendar year in order to document such use.~~

356 | **Section 7. Subsection (7) is added to section 560.208,**
357 | **Florida Statutes, to read:**

358 | 560.208 Conduct of business.—In addition to the
359 | requirements specified in s. 560.1401, a licensee under this
360 | part:

361 | (7) (a) May not initiate a foreign remittance transfer
362 | unless the licensee has verified that the sender is not an
363 | unauthorized alien as defined in s. 908.111. As used in this
364 | subsection, the term "foreign remittance transfer" means a
365 | remittance transfer as defined in the Electronic Fund Transfer
366 | Act, 15 U.S.C. s. 1693o-1, as amended, the recipient of which is
367 | located in any country other than the United States. The
368 | commission shall adopt rules relating to acceptable forms of
369 | documentation that a licensee shall use to verify that the
370 | sender of a foreign remittance transfer is not an unauthorized
371 | alien as defined in s. 908.111. The licensee shall provide
372 | confirmation of verification on such forms as the commission may
373 | prescribe for this purpose. All required forms must be submitted
374 | to the office not later than the 15th day of the month following
375 | the close of each calendar quarter.

376 (b) Shall pay a penalty equal to 25 percent of the United
377 States dollar amount transferred, excluding any fees or charges
378 imposed by the licensee, for any foreign remittance transfer
379 initiated in violation of paragraph (a). The licensee shall
380 remit penalties owed under this paragraph quarterly to the
381 office in addition to any such forms as the office may prescribe
382 for such purpose. All required penalties and forms must be
383 submitted to the office not later than the 15th day of the month
384 following the close of each calendar quarter. Notwithstanding
385 ss. 252.3711 and 560.144, the office shall deposit penalties
386 collected pursuant to this paragraph in the Emergency
387 Preparedness and Response Fund under s. 252.3711.
388 Notwithstanding any other provision of this chapter, failure to
389 comply with paragraph (a) does not subject a licensee to any
390 penalty other than the penalty imposed by this paragraph.

391 **Section 8. Present paragraphs (i) and (j) of subsection**
392 **(1) of section 560.211, Florida Statutes, are redesignated as**
393 **paragraphs (j) and (k), and a new paragraph (i) is added to that**
394 **subsection, to read:**

395 560.211 Required records.—

396 (1) In addition to the record retention requirements under
397 s. 560.1105, each licensee under this part must make, keep, and
398 preserve the following books, accounts, records, and documents
399 for 5 years:

400 (i) Records of:

401 1. The documentation used to verify that the sender of a
402 foreign remittance transfer is not an unauthorized alien as
403 defined in s. 908.111.

404 2. Penalties paid pursuant to s. 560.208(7)(b), including
405 the date and amount of each foreign remittance transfer and the
406 name, date of birth, and address of each sender.

407 **Section 9. Section 560.2115, Florida Statutes, is created**
408 **to read:**

409 560.2115 Required records audit.—

410 (1) For the purpose of enforcement of this section, the
411 office may at any time request, and the licensee must provide,
412 records of documentation used to verify that the sender of a
413 foreign remittance transfer is not an unauthorized alien as
414 defined in s. 908.111.

415 (2) A person who has a good faith belief that a licensee
416 is failing to comply with s. 560.208(7)(a) may file a complaint
417 with the office.

418 (3) A person who knowingly files a false or frivolous
419 complaint under subsection (2), including any complaint that
420 violates federal law, commits a misdemeanor of the second
421 degree, punishable as provided in s. 775.082 or s. 775.083.

422 (4) Upon receipt of a valid complaint substantiated by
423 evidence of a violation of s. 560.208(7)(a), the office shall
424 notify the licensee of the complaint and direct the licensee to
425 pay a penalty pursuant to s. 560.208(7)(b).

426 (5) In addition to the requirements under subsection (1),
427 beginning July 1, 2026, the office shall conduct random
428 quarterly audits of licensees to ensure compliance with s.
429 560.208(7)(a). During an audit, a licensee shall produce records
430 of the documentation used to verify that each sender of a
431 foreign remittance transfer is not an unauthorized alien. A
432 licensee that fails to comply with s. 560.208(7)(a) is subject
433 to the penalty pursuant to s. 560.208(7)(b).

434 (6) Failure to comply with subsection (5) constitutes
435 grounds for the suspension of all licenses held by the licensee
436 which were issued by the office.

437 (7) The office may not audit a licensee more than once
438 every 2 years unless an audit within the last 6 months found the
439 licensee out of compliance with s. 560.208(7)(a).

440 **Section 10.** The Office of Financial Regulation, on behalf
441 of the Financial Services Commission, is authorized, and all
442 conditions are deemed met, to adopt emergency rules pursuant to
443 s. 120.54(4), Florida Statutes, to implement the provisions of
444 this section. Notwithstanding any other provision of law,
445 emergency rules adopted pursuant to this section are effective
446 for 6 months after adoption and may be renewed during the
447 pendency of procedures to adopt permanent rules addressing the
448 subject of the emergency rules.

449 **Section 11.** If any provision of this act or its
450 application to any person or circumstance is held invalid, the

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451 | invalidity does not affect other provisions or applications of
452 | this act which can be given effect without the invalid
453 | provisions or application, and to this end the provisions of
454 | this act are severable.

455 | **Section 12.** This act shall take effect July 1, 2025.