

By Senator Ingoglia

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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

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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

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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

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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

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

120 420.5088 Florida Homeownership Assistance Program. ~~There is~~  
121 ~~created~~ The Florida Homeownership Assistance Program is created  
122 for the purpose of assisting low-income and moderate-income  
123 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.:

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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

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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 who  
181 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 potential  
186 cost savings by combining the benefits of different governmental  
187 programs and private initiatives, including the local government  
188 contributions and local government comprehensive planning and  
189 activities that promote affordable housing.
- 190 6. The use of the least amount of program loan funds  
191 compared to overall project cost.
- 192 7. The provision of homeownership counseling.
- 193 8. The applicant's agreement to exceed the requirements of  
194 paragraph (e).
- 195 9. The commitment of first mortgage financing for the  
196 balance of the construction loan and for the permanent loans to  
197 the purchasers of the housing.
- 198 10. The applicant's ability to proceed with construction.
- 199 11. The targeting objectives of the corporation which will  
200 ensure an equitable distribution of loans between rural and  
201 urban areas.
- 202 12. The extent to which the proposal will further the  
203 purposes of this program.

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

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

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

220 (4) There is authorized to be established by the  
221 corporation with a qualified public depository meeting the  
222 requirements of chapter 280 the Florida Homeownership Assistance  
223 Fund to be administered by the corporation according to the  
224 provisions of this program. Any amounts held in the Florida  
225 Homeownership Assistance Trust Fund for such purposes as of  
226 January 1, 1998, must be transferred to the corporation for  
227 deposit in the Florida Homeownership Assistance Fund, whereupon  
228 the Florida Homeownership Assistance Trust Fund must be closed.  
229 There shall be deposited in the fund moneys from the State  
230 Housing Trust Fund created by s. 420.0005, or moneys received  
231 from any other source, for the purpose of this program and all  
232 proceeds derived from the use of such moneys. In addition, all



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233 unencumbered funds, loan repayments, proceeds from the sale of  
234 any property, and any other proceeds that would otherwise accrue  
235 pursuant to the activities of the programs described in this  
236 section shall be transferred to this fund. In addition, all loan  
237 repayments, proceeds from the sale of any property, and any  
238 other proceeds that would otherwise accrue pursuant to the  
239 activities conducted under ~~the provisions of~~ the Florida  
240 Homeownership Assistance Program shall be deposited in the fund  
241 and may ~~shall~~ not be reverted ~~revert~~ to the General Revenue  
242 Fund. Expenditures from the Florida Homeownership Assistance  
243 Fund are ~~shall~~ not ~~be~~ required to be included in the  
244 corporation's budget request or made ~~be~~ subject to appropriation  
245 by the Legislature.

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

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

252 420.5096 Florida Hometown Hero Program.—

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

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262 rate and must be made available for the term of the first  
263 mortgage. The balance of any loan is due at closing if the  
264 property is sold, refinanced, rented, or transferred, unless  
265 otherwise approved by the corporation.

266 (3) For loans made available pursuant to s.  
267 420.507(23)(a)1. or 2., the corporation may underwrite and make  
268 those mortgage loans through the program to persons or families  
269 who are lawfully present in the United States and who have  
270 household incomes that do not exceed 150 percent of the state  
271 median income or local median income, whichever is greater. A  
272 borrower must be seeking to purchase a home as a primary  
273 residence; must be a first-time homebuyer and a Florida  
274 resident; and must be employed full-time by a Florida-based  
275 employer. The borrower must provide documentation of full-time  
276 employment or full-time status for self-employed individuals.  
277 The requirement to be a first-time homebuyer does not apply to a  
278 borrower who is an active duty servicemember of a branch of the  
279 armed forces or the Florida National Guard, as defined in s.  
280 250.01, or a veteran.

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

286 448.09 Unauthorized aliens; employment prohibited.—

287 (3) For an employer that knowingly violates this section,  
288 the department shall suspend all licenses issued by a licensing  
289 agency pursuant to chapter 120 for 1 year and impose a fine not  
290 to exceed \$10,000. Fines must be deposited in the Crimes

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291 ~~Compensation Trust Fund For a violation of this section, the~~  
292 ~~department shall place the employer on probation for a 1-year~~  
293 ~~period and require that the employer report quarterly to the~~  
294 ~~department to demonstrate compliance with the requirements of~~  
295 ~~subsection (1) and s. 448.095.~~

296 (4) For an employer that knowingly violates this section a  
297 second time, the department shall suspend or revoke all licenses  
298 issued by a licensing agency pursuant to chapter 120 for 5 years  
299 and impose a fine not to exceed \$100,000. Fines must be  
300 deposited in the Crimes Compensation Trust Fund ~~Any violation of~~  
301 ~~this section which takes place within 24 months after a previous~~  
302 ~~violation constitutes grounds for the suspension or revocation~~  
303 ~~of all licenses issued by a licensing agency subject to chapter~~  
304 ~~120. The department shall take the following actions for a~~  
305 ~~violation involving:~~

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

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

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

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

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320 the Crimes Compensation Trust Fund.

321 (6) For an employer that knowingly violates this section,  
322 and an unauthorized alien employee's actions result in injuries  
323 to another person, the department shall suspend or revoke all  
324 licenses issued by a licensing agency pursuant to chapter 120  
325 for 5 years and impose a fine not to exceed \$100,000. Fines must  
326 be deposited in the Crimes Compensation Trust Fund.

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

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

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

338 448.095 Employment eligibility.—

339 (2) EMPLOYMENT VERIFICATION.—

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

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

347 3. Each employer ~~required to use the E-Verify system under~~  
348 ~~this paragraph~~ must certify on its first return each calendar

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

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

357 560.208 Conduct of business.—In addition to the  
358 requirements specified in s. 560.1401, a licensee under this  
359 part:

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

375 (b) Shall pay a penalty equal to 25 percent of the United  
376 States dollar amount transferred, excluding any fees or charges  
377 imposed by the licensee, for any foreign remittance transfer

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

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

394 560.211 Required records.—

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

399 (i) Records of:

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

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

406 Section 9. Section 560.2115, Florida Statutes, is created

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407 to read:

408 560.2115 Required records audit.-

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

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

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

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

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

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

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

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

448 Section 11. If any provision of this act or its application  
449 to any person or circumstance is held invalid, the invalidity  
450 does not affect other provisions or applications of this act  
451 which can be given effect without the invalid provisions or  
452 application, and to this end the provisions of this act are  
453 severable.

454 Section 12. This act shall take effect July 1, 2025.