

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 1307](#)

**TITLE:** Unauthorized Aliens

**SPONSOR(S):** Jacques

**Committee References**

[Commerce](#)



[State Affairs](#)



[Judiciary](#)

## SUMMARY

### **Effect of the Bill:**

The bill establishes a framework to restrict access by unauthorized aliens to licenses issued by the Department of Financial Services, workers' compensation benefits, employment, financial services, housing benefits, and auto insurance.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate fiscal impact on state government.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill defines "unauthorized alien" as a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act. (Multiple Sections).

### **Licensing**

The bill prohibits the [Department of Financial Services](#) ("DFS") from issuing licenses or certifications to any person who is an unauthorized alien. (Section [1](#)).

The bill requires all licensing procedures, prelicensing instruction, and licensing testing for [Commercial Driver Licenses](#) to be conducted in English. The bill prohibits the use of interpreters, translators, translations, and other alternate language accommodations. (Section [4](#)).

### **Division of Risk Management**

The bill provides that the Division of Risk Management within DFS may approve or deny [claims](#) relating to an unauthorized alien who is a minor, but may not approve a claim submitted by an adult unauthorized alien or by a person who does not provide lawful documentation of citizenship to the division as required by state and federal law. (Section [3](#)).

### **Housing**

The bill authorizes counties to require proof that a borrower is lawfully present in the United States when providing homeownership assistance for low-income and moderate-income families. (Section [2](#)).

The bill prohibits state and local governmental entities, the [Florida Housing Finance Corporation](#) ("Corporation"), and private corporations, including nonprofit organizations, that participate in down payment assistance programs or silent second mortgage programs, from providing any form of down payment assistance to a person who is an unauthorized alien. (Section [5](#)).

The bill provides the following definitions:

- “Down payment assistance” includes, but is not limited to, grants to assist a person in the purchase of a residential property which takes the form of a loan or a silent second mortgage.
- “Silent second mortgage” means a second mortgage used to secure funds for a down payment for a residential property which is not disclosed to the original mortgage lender before closing occurs. (Section 5).

The bill requires an unauthorized alien who receives down payment assistance in violation of the bill’s provisions to immediately repay the down payment assistance to the applicable entity. If an unauthorized alien does not repay the down payment assistance as required, the state or local governmental entity, the Corporation, or the private corporation, as applicable, must initiate foreclosure proceedings<sup>1</sup> against the unauthorized alien. (Section 5).

The bill specifies that loans available through the [Florida Homeownership Assistance Program](#) and the [Florida Hometown Hero Program](#), which are both administered by the Corporation, to assist certain persons in purchasing their first home, are limited to persons who are lawfully present in the United States (Sections 6 and 7).

### **Workers’ Compensation**

The bill revises the definition of “employee” for purposes of workers’ compensation to exclude unlawfully employed aliens. The bill also revises the definition to specify that the term includes “lawfully or unlawfully employed minors.” (Section 8).

The bill provides that an employer who knowingly hires or employs an individual who is not authorized to work in the United States is personally and fully liable for all medical and treatment costs and related expenses resulting from an injury sustained by the unauthorized alien in the course of employment. The bill provides that the employer may not transfer this risk to a third-party, including an insurance company or state agency. (Section 10).

The bill provides penalties for employers who violate the workers’ compensation provisions of the bill. These penalties include:

- fines of up to \$50,000 per violation;<sup>2</sup>
- reimbursement of any public funds used to provide medical care to the unauthorized alien; and
- revocation of the employer’s business license, registration, or certification issued by the appropriate licensing authority.
  - DFS is required to forward reported violations of the bill to the appropriate licensing authority for enforcement. (Section 10).

The bill requires employers to verify an employee’s employment eligibility through the [E-Verify](#) system before submitting a claim for workers’ compensation benefits. If the employer fails to do so, the employer is:

- ineligible to receive indemnity or medical coverage from the employer’s workers’ compensation insurance provider for injuries sustained by that employee; and
- personally liable for all costs, expenses, and benefits that would have otherwise been covered under Florida’s workers’ compensation laws. (Section 11).

The bill provides that employers must retain copies of the documentation provided and any verification generated by the E-Verify system for each employee. Employers must provide such documentation to DFS or the insurer upon request. (Section 11).

### **Employment of Unauthorized Aliens**

The bill increases current penalties for employers who knowingly employ, hire, recruit, or refer for private or public employment an unauthorized alien.

<sup>1</sup> Pursuant to [ch. 702, F.S.](#)

<sup>2</sup> Fines collected pursuant to this provision must be deposited into the Workers’ Compensation Administration Trust Fund.

For a first time violation, the bill increases the penalty from the [Department of Commerce](#) ("Commerce") to suspend for one year all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act,<sup>3</sup> and impose a fine not to exceed \$10,000 per violation, rather than a one-year suspension and reporting. (Section [12](#)).

For a second time violation, the bill increases penalties from a 30- or 60-day suspension or revocation, depending on the number of unauthorized aliens employed, of all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, to a five-year suspension of all such licenses and fines of up to \$100,000 per violation. (Section [12](#)).

For employers who knowingly employ, hire, recruit, or refer for private or public employment a third time, Commerce must permanently revoke all licenses held by the employer personally, as well as any license held by the entity if the employer is a corporation, which were issued by a licensing agency under the Administrative Procedure Act, and must impose a fine of up to \$250,000 per violation. (Section [12](#)).

Regardless of the number of violations, if an employer knowingly employs, hires, recruits, or refers for private or public employment and the actions of an unauthorized alien employee result in injuries to another person, Commerce must suspend for five years all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, and impose a fine of up to \$100,000 per violation. (Section 12).

If the actions of an unauthorized alien employee result in the death of another person, Commerce must permanently revoke all licenses held by the employer which were issued by a licensing agency under the Administrative Procedure Act, and impose a fine of up to \$500,000 per violation. (Section [12](#)).

The bill creates a civil cause of action against an employer who knowingly employs, hires, recruits, or refers for private or public employment and the actions of an unauthorized alien employee cause injuries or death to another person. The bill specifies that the injured person or the next of kin of the deceased person may bring a civil cause of action against the employer. (Section [12](#)).

The bill provides that it is a third-degree felony for an employer to knowingly hire more than 50 unauthorized aliens, and Commerce is required to permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by a licensing agency under the Administrative Procedure Act. (Section [12](#)).

Fines collected under this section must be deposited into the State Economic Enhancement and Development Trust Fund. (Section 12).

The bill grants DFS authority to request from an employer copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility. (Section [13](#)).

### Money Services Businesses

The bill prohibits [money services businesses](#) from initiating a foreign remittance transfer<sup>4</sup> before verifying that the sender is not an unauthorized alien. A remittance transfer is an electronic transfer of funds requested by a sender to a designated recipient that is sent by a remittance transfer provider. A foreign remittance transfer takes place when the recipient is outside of the United States.

The bill requires money services business to provide confirmation of verification of the sender's lawful status on forms prescribed by the Financial Services Commission. These forms must be submitted to the [Office of Financial Regulation](#) ("OFR") by the 15th of the month after the close of each calendar quarter. (Section [14](#)).

<sup>3</sup> Chapter 120, F.S., may be cited as the "Administrative Procedure Act." See [s. 120.51, F.S.](#)

<sup>4</sup> The bill defines "foreign remittance transfer" as "a remittance transfer as defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as amended, the recipient of which is located in any country other than the United States."

The bill provides that if a money services business initiates a foreign remittance transfer without verifying the sender's lawful presence, it must pay a penalty equal to 25% of the amount transferred, excluding any fees or charges imposed by the money services business. The penalties must be remitted to OFR along with the verification forms by the 15<sup>th</sup> of the month after the close of each calendar quarter. OFR must deposit any penalties collected into the [Regulatory Trust Fund](#). (Section [14](#)).

The bill requires money services businesses to keep for five years any documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien, and the penalties paid to OFR, including the date and amount of each foreign remittance transfer and the name, date of birth, and address of each sender. (Section [15](#)).

The bill provides that OFR may request at any time records of the documentation used to verify that the sender of a foreign remittance transfer is not an unauthorized alien. Money services businesses must provide these records upon OFR's request. (Section [16](#)).

The bill provides that a person may file a complaint with OFR if the person has a good faith belief that a money services business is not verifying a sender of a foreign remittance transfer's lawful presence in the United States. If the complaint is substantiated by evidence, OFR must notify the money services business of the complaint and the substantiated evidence, and the money services business must pay the 25% penalty created in Section 14 of the bill. (Section [16](#)).

Beginning July 1, 2026, the bill requires OFR to conduct random quarterly audits of money services businesses. During these audits, a money services business must produce the records of documentation it used to verify that each sender of a foreign remittance transfer is not an unauthorized alien. (Section [16](#)).

The bill provides that failing to pay the penalty as a result of a complaint or failing to provide documentation upon request or during an audit constitute grounds for the suspension of all licenses held by the money services business that were issued by OFR. (Section [16](#)).

The bill provides that money services businesses may not accept the following as forms of personal identification for purposes of verifying the customer's identity when the payment instrument is \$1,000 or more:

- a driver license or identification card issued exclusively to an unauthorized alien or undocumented immigrant;
- a driver license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States. (Section [17](#)).

### **State-chartered Financial Institutions**

The bill provides that [state-chartered financial institutions](#) may not accept the following forms of identification for the purpose of opening a deposit account, loan account, safe deposit box, or to receive any other services from the institution:

- a driver license or identification card issued exclusively to an unauthorized alien or undocumented immigrant;
- a driver license or identification card that is substantially the same as a license or identification card issued to a United States citizen or resident or others lawfully present in the United States but which has markings establishing that the license holder did not present proof of his or her lawful presence in the United States. (Section [19](#)).

### **Presumption of Fault for Unauthorized Out-of-State Drivers**

The bill creates a rebuttable presumption that if an unauthorized out-of-state driver<sup>5</sup> is involved in a motor vehicle accident in the state, the [unauthorized out-of-state driver](#) is at fault for purposes of filing an insurance claim. This presumption applies regardless of the unauthorized out-of-state driver's compliance with other traffic laws at the time of the accident. (Section [18](#)).

The presumption does not apply if the other driver involved in the motor vehicle accident is determined, by clear and convincing evidence,<sup>6</sup> to be at egregious fault because of, but not limited to:

- reckless driving,
- leaving the scene of an accident, or
- racing on highways. (Section [18](#)).

The presumption may be rebutted by clear and convincing evidence that the unauthorized out-of-state driver was not at fault based on witness statements, accident reconstruction, or video evidence directly related to the circumstances of the accident. (Section [18](#)).

The bill requires law enforcement officers investigating motor vehicle accidents to verify whether any person involved is an unauthorized out-of-state driver or has an invalid out-of-state driver license. If the law enforcement officer finds that a driver involved in an accident has an invalid out-of-state driver license, the law enforcement officer must note that on the Florida Traffic Crash Report, Long Form or short-form crash report, and notify the Department of Highway Safety and Motor Vehicles within 48 hours after the accident. (Section [18](#)).

The bill requires insurers to apply the presumption in processing claims and may not pay benefits to or settle claims with an unauthorized out-of-state driver. Insurers are required by the bill to report any suspected noncompliance or rebuttal attempts by the unauthorized out-of-state driver to the [Office of Insurance Regulation](#) ("OIR") within 30 days after the filing of the insurance claim. If an insurer fails to do so, they are subject to administrative penalties. (Section [18](#)).

If an unauthorized out-of-state driver's insurer is a foreign insurer<sup>7</sup> and not licensed in this state, any party aggrieved by nonenforcement of the presumption and requirements of the bill may bring a civil action for injunctive relief and the prevailing party is entitled to reasonable attorney fees and costs. (Section [18](#)).

These provisions only apply to all insurance policies issued or renewed on or after the effective date of the bill and to all motor vehicle accidents that occur on or after the effective date of the bill. (Section [18](#)).

### **Effective Date**

The bill becomes effective upon becoming a law. (Section [21](#)).

### **RULEMAKING:**

The bill requires DFS to adopt rules to establish criteria to verify that an applicant is lawfully present in the United States before issuing a license or certificate. (Section [1](#)).

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<sup>5</sup> The bill defines "unauthorized out-of-state driver" as "a person operating a vehicle who has an invalid out-of-state driver license." A driver license is an invalid out-of-state driver license if it is of a class of licenses issued by another state exclusively to unauthorized aliens or undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued. This includes licenses that are issued exclusively to unauthorized aliens or undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States but have markings establishing that the licenseholder did not exercise the option of providing proof of lawful presence. See [S. 322.033, F.S.](#)

<sup>6</sup> "Clear and convincing evidence" is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue. Fla. Std. Jury Instr. (Civ.) 414.3 (Clear and convincing evidence).

<sup>7</sup> A "foreign insurer" is an insurer domiciled outside of Florida, but within the United States. See [S. 624.06, F.S.](#)

The bill allows DFS to adopt rules to implement and enforce the requirement that employers use E-Verify to verify an employee's eligibility for employment before submitting a workers' compensation claim. (Section [11](#)).

The bill requires the Financial Services Commission to adopt rules relating to acceptable forms of documentation that a money services business must use to verify that the sender of a foreign remittance transfer is not an unauthorized alien. (Section [14](#)).

The bill requires the Department of Highway Safety and Motor Vehicles and OIR to adopt rules to implement the rebuttable presumption that unauthorized out-of-state drivers involved in a motor vehicle accident are at fault. These rules must include standardized verification forms and procedures for interagency coordination. (Section [18](#)).

The bill requires OFR to adopt rules to ensure compliance and enforcement of the provision that state-chartered financial institutions may not accept certain forms of identification. (Section [19](#)).

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

#### **FISCAL OR ECONOMIC IMPACT:**

#### **STATE GOVERNMENT:**

The bill may have an indeterminate fiscal impact on the Department of Financial Services, the Office of Financial Regulation, and the Office of Insurance Regulation to the extent they may need additional resources to enforce the provisions of the bill.

## **RELEVANT INFORMATION**

#### **SUBJECT OVERVIEW:**

#### **Department of Financial Services**

The Chief Financial Officer is a constitutional officer who is the head of the Department of Financial Services ("DFS"). DFS enforces certain provisions of the Florida Insurance Code, including those related to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.<sup>8</sup> The Department of Financial Services oversees workers' compensation carriers, including carrier responsibilities, coverage requirements, claim procedures, timelines, and penalties.<sup>9</sup>

#### **Division of Risk Management**

The Division of Risk Management, within DFS, manages the State Risk Management Trust Fund. This trust fund provides for all departments of the state, and their employees, agents, and volunteers:<sup>10</sup>

- coverage for workers' compensation claims;
- general liability;
- fleet automotive liability;
- federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes;
- benefits payable to firefighters diagnosed with cancer under certain conditions; and
- court-awarded attorney fees in other proceedings against the state, except for cases of eminent domain, inverse condemnation, or for awards by the Public Employees Relations Commission.

<sup>8</sup> [S. 626.016, F.S.](#)

<sup>9</sup> Chapter 440, F.S.

<sup>10</sup> [S. 284.30, F.S.](#) and [s. 284.31, F.S.](#)

## **Florida Housing Finance Corporation**

The Florida Housing Finance Corporation (“Corporation”) was created in 1997 as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.<sup>11</sup> The Corporation is held by the state and housed within the Department of Commerce (“Commerce”).<sup>12</sup> The Corporation is a separate budget entity and its operations are not subject to control, supervision, or direction by Commerce.<sup>13</sup>

The Corporation’s mission is to increase the supply of safe, affordable housing for individuals and families in Florida.<sup>14</sup> The Corporation encourages the investment of private capital and facilitates public and private sector housing partnerships.<sup>15</sup> As a financial institution, the Corporation administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payments.<sup>16</sup>

The Corporation may prevent an applicant or an applicant’s affiliate from participating in any of its programs under certain circumstances if the applicant or affiliate has:

- Made a material misrepresentation or engaged in fraudulent actions in connection with any Corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere<sup>17</sup> to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds;
- Been excluded from any federal funding program related to providing housing, including debarment<sup>18</sup> from participation in federal housing programs by the U.S. Department of Housing and Urban Development;
- Been excluded from any federal or Florida procurement programs;
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution;
- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the Corporation in the construction, operation, or management of one or more developments funded through a Corporation program; or
- Materially or repeatedly violated any condition imposed by the corporation in connection with the administration of a corporation program, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the Corporation.<sup>19</sup>

<sup>11</sup> See ch. 97-167, Laws of Fla.

<sup>12</sup> [S. 420.504\(1\), F.S.](#)

<sup>13</sup> [S. 420.504\(3\), F.S.](#)

<sup>14</sup> [S. 420.502, F.S.](#) See also Florida Housing Finance Corporation (Corporation), *About Florida Housing*, <https://www.floridahousing.org/about-florida-housing/> (last visited Feb. 6, 2026).

<sup>15</sup> [S. 420.502, F.S.](#) See also Office of Program Policy Analysis & Government Accountability, *Report No. 09-S15: Florida Housing Finance Corporation Overview*, The Florida Legislature Sunset Review, Jan. 2009, p. 1. <https://oppaga.fl.gov/Documents/Reports/09-15S.pdf> (last visited Feb. 6, 2026).

<sup>16</sup> See Corporation, *About Florida Housing*, <https://www.floridahousing.org/about-florida-housing/> (last visited Feb. 6, 2026).

<sup>17</sup> By entering a plea of nolo contendere, a defendant does not admit the allegations of the charge against him or her in a technical sense, but rather represents the defendant’s unwillingness to contest the charge. *Grizzard v. State*, 881 So. 2d 673, at 676-677 (Fla. Dist. Ct. App. 2004). See also, *Vinson v. State*, 345 So.2d 711 (Fla.1977); *Kelly v. Dep’t of Health & Rehab. Serv.*, 610 So.2d 1375 (Fla. 2d DCA 1992).

<sup>18</sup> “Debarment” means an action taken by a federal agency to prohibit a recipient from participating in federal government procurement contracts and covered nonprocurement transactions. 1 C.F.R. § 182.630.

<sup>19</sup> [S. 420.518\(1\), F.S.](#)

## **Florida Homeownership Assistance Program**

The Florida Homeownership Assistance Program (“HAP”), which is administered by the Corporation, uses state funds to assist low-income and moderate-income persons in purchasing a home as their primary residence.<sup>20</sup>

In administering HAP, the Corporation is authorized to underwrite and issue mortgage loans to persons or families who have incomes that do not exceed 120 percent of the state or local median income, whichever is greater, adjusted for family size.<sup>21</sup> Such loans may be subordinated loans to assist with down payments or closing costs related to the purchase of a primary residence, or permanent loans to assist with the purchase of a primary residence.<sup>22</sup>

The Corporation is also authorized to underwrite and issue mortgage loans through HAP to developers or nonprofit sponsors for the purchase of property or for the construction or financing of housing to be offered for sale to certain persons as a primary residence at an affordable price.<sup>23</sup> For projects financed through this type of HAP loan, the following conditions (among others) apply:

- At least 30 percent of the units in a project financed through HAP must be sold to persons or families who have incomes that do not exceed 30 percent of the state or local median income, whichever is greater, adjusted for family size; and
- At least another 30 percent of the units in such a project must be sold to persons or families who have incomes that do not exceed 65 percent of the state or local median income, whichever amount is greater, adjusted for family size.<sup>24</sup>

In the 2023-2024 fiscal year, 2,719 households received a total of \$27,190,000 through HAP.<sup>25</sup>

## **Florida Hometown Hero Program**

The Florida Hometown Hero Program (“HHP”), which is administered by the Corporation, uses state funds to assist Florida’s hometown workforce in attaining homeownership by providing financial assistance to certain persons to purchase a home as their primary residence.<sup>26</sup>

Under HHP, a borrower may apply to the Corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not to exceed \$35,000.<sup>27</sup> The loan is made available at a zero percent interest rate for the term of the first mortgage.<sup>28</sup>

The Corporation is authorized to underwrite and issue mortgage loans through HHP to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater.<sup>29</sup> To be eligible to participate in HHP, the borrower must be:

- Seeking to purchase a home as a primary residence;
- A first-time homebuyer;
- A Florida resident; and
- Employed full-time by a Florida-based employer.<sup>30</sup>

<sup>20</sup> [S. 420.4088, F.S.](#)

<sup>21</sup> [S. 420.5088\(1\)\(a\), F.S.](#)

<sup>22</sup> [S. 420.507\(23\)\(a\)1.-2., F.S.](#)

<sup>23</sup> [S. 420.507\(23\)\(a\)3., F.S.](#)

<sup>24</sup> [S. 420.5088\(2\)\(e\), F.S.](#)

<sup>25</sup> Corporation, *2024 Annual Report*, p. 12, <https://www.flipsnack.com/98FB7CA8B7A/2024-annual-report-tulw5aajiq/full-view.html> (last visited Feb. 6, 2026).

<sup>26</sup> [S. 420.5096\(2\), F.S.](#)

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> [S. 420.5096\(2\), F.S.](#)

<sup>30</sup> The borrower must provide documentation of full-time employment or full-time status for self-employed individuals. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in [s. 250.01, F.S.](#), or a veteran. [S. 420.5096\(2\), F.S.](#)

For the 2025-2026 fiscal year, financial assistance through HHP appropriated in the 2025-2026 General Appropriations Act is limited to the following borrowers:

- A person employed full-time by a Florida-based employer as a health care worker, school staff member, first responder, public safety or court employee, or child care worker;
- A servicemember of the U.S. military or military reserves, the U.S. Coast Guard or its reserves, or the Florida National Guard; or
- A veteran employed full-time by a Florida-based employer.<sup>31</sup>

In the 2023-2024 fiscal year, 8,300 households received a total of \$132,276,190 in down payment assistance through HHP, resulting in a total of \$2,618,285,404 in first mortgage assistance through HHP overall.<sup>32</sup>

### **Workers' Compensation**

Workers' compensation is a no-fault system that provides disability and medical benefits and compensation for lost wages when an employee is injured in the course of employment.<sup>33</sup> Employers must secure coverage, and may do so by purchasing insurance from an authorized carrier, qualifying as a self-insurer, or purchasing coverage from the Florida Workers' Compensation Joint Underwriting Association, which is the state-sponsored insurer of last resort.<sup>34</sup>

### **E-Verify**

Current law requires private employers with 25 or more employees to use the federal E-Verify system to confirm immigration status for new employees.<sup>35</sup> E-Verify is a federal Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States. E-Verify is administered by the Department of Homeland Security in partnership with the Social Security Administration. It is free for employers to use and provides an automated link to government records to help employers confirm the employment eligibility of new hires.

The following specified government entities may request, and an employer must provide, copies of any documentation relied upon by the employer for the verification of a new employee's employment eligibility:<sup>36</sup>

- The Department of Law Enforcement;
- The Attorney General;
- The state attorney in the circuit in which the new employee works;
- The statewide prosecutor; or
- The Department of Commerce.

These entities must rely on the federal government to verify an employee's employment eligibility and may not independently make a final determination as to whether an employee is an unauthorized alien.<sup>37</sup>

An employer that uses the E-Verify system or, if that system is unavailable, the Form I-9, with respect to the employment of an unauthorized alien has established a rebuttable presumption and an affirmative defense that the employer has not violated the state prohibition on hiring unauthorized aliens,<sup>38</sup> with respect to such employment.<sup>39</sup>

<sup>31</sup> [S. 420.5096\(5\)\(a\), F.S.](#)

<sup>32</sup> *Supra* note 25, p. 13.

<sup>33</sup> [S. 440.015, F.S.](#)

<sup>34</sup> [Ss. 440.38 and 627.311\(5\), F.S.](#)

<sup>35</sup> [S. 448.095, F.S.](#)

<sup>36</sup> [S. 448.095\(3\)\(a\), F.S.](#)

<sup>37</sup> *Id.*

<sup>38</sup> [S. 448.09, F.S.](#)

<sup>39</sup> [S. 448.095\(4\)\(a\), F.S.](#)

According to the federal Immigration and Nationality Act (“INA”), an employer using E-Verify or the Form I-9, establishing good faith compliance with the law, has established an affirmative defense and a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.<sup>40</sup>

### **Department of Commerce**

The Department of Commerce (“Commerce”) is responsible for enforcing the requirement to use E-Verify. If Commerce determines that an employer failed to use the E-Verify system to verify the employment eligibility of employees, Commerce must notify the employer of its determination of noncompliance and provide the employer with 30 days to cure the noncompliance.<sup>41</sup> If an employer is determined to not have used the E-Verify system three times in any 24-month period, Commerce must impose a fine of \$1,000 per day until the employer provides sufficient proof to Commerce that the noncompliance is cured.<sup>42</sup>

Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to the Administrative Procedure Act until the noncompliance is cured.<sup>43</sup> Fines collected must be deposited into the State Economic Enhancement and Development Trust Fund for use by Commerce for employer outreach and public notice of the state's employment verification laws.<sup>44</sup>

If Commerce finds that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility of such person, Commerce must enter an order pursuant to the Administrative Procedure Act, making such determination and require repayment of any state economic development incentive. Commerce must also place the employer on probation for one year and require the employer to report quarterly to demonstrate compliance with the employment requirements.<sup>45</sup>

Any violation that takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to the Administrative Procedure Act, under the following conditions:

- One to 10 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.
- Eleven to 50 unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.
- More than 50 unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them.<sup>46</sup>

### **Commercial Driver Licenses**

Federal law establishes minimum qualification standards for individuals operating commercial motor vehicles and motor carriers are prohibited from permitting unqualified individuals to drive.<sup>47</sup>

To be qualified, a commercial driver must, among other requirements:<sup>48</sup>

- be at least 21 years old<sup>49</sup>;

<sup>40</sup> 8 U.S.C. s. 1324a(a)(3) and (b)(6); 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation*.

<sup>41</sup> [S. 448.095\(6\), F.S.](#)

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> S. [448.09\(3\), F.S.](#)

<sup>46</sup> S. [448.09\(4\), F.S.](#)

<sup>47</sup> 49 C.F.R. § 391.11(a).

<sup>48</sup> 49 C.F.R. § 391.11(b)(1)-(3).

<sup>49</sup> An individual who is at least 18 years of age, but younger than 21, is restricted to intrastate operation only.

<https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/commercial-driver-license/> (last visited Feb. 6, 2026). See also, 49 C.F.R. § 383.71(a). A Commercial Learner's Permit can be issued to a person 18 years of age or older.

- be able to read and speak the English language sufficiently to communicate with the general public, understand traffic signs and signals, respond to official inquiries, and accurately complete required reports and records; and
- have the training, experience, or both, necessary to safely operate the type of commercial motor vehicle driven.

Drivers must also meet federal physical qualification standards, hold a valid commercial driver license issued by one jurisdiction, not be subject to federal disqualification, and have successfully completed a road skills test or an equivalent licensing requirement accepted by the employing motor carrier.<sup>50</sup>

Beginning, February 6, 2026, all driver license knowledge and skills examinations will be administered exclusively in English.<sup>51</sup>

Florida law prohibits the Department of Highway Safety and Motor Vehicles from issuing a driver license to a person who is an unauthorized alien or undocumented immigrant.<sup>52</sup>

### **Invalid Out-of-State Driver Licenses**

Licenses that are issued exclusively to unauthorized aliens or undocumented immigrants, and licenses that have markings establishing that the licenseholder did not exercise the option of providing proof of lawful presence are invalid in Florida.<sup>53</sup>

The Department of Highway Safety and Motor Vehicles (“DHSMV”) must maintain a list of out-of-state classes of driver licenses that are invalid in Florida.<sup>54</sup>

DHSMV has identified two states that issue licenses exclusively to unauthorized aliens: Connecticut and Delaware.<sup>55</sup>

Additionally, 18 states issue licenses that are substantially the same as those issued to those lawfully present in the United States, but that include a marking establishing that the licenseholder did not exercise the option of providing proof of lawful presence. These markings include “federal limits apply,” “not valid for official federal purposes,” “limited purpose driver’s license,” and “not for ‘REAL ID’ purposes.”<sup>56</sup> The states and jurisdictions that issue this class of license include: California, Colorado, D.C., Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington.<sup>57</sup>

### **Money Services Businesses**

A money services business is, “any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.”<sup>58</sup> Money services businesses must be licensed with OFR.<sup>59</sup>

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<sup>50</sup> 49 C.F.R. § 391.11(b)(4)-(7).

<sup>51</sup> DHSMV, *Driver Licenses & ID Cards* (Jan. 30, 2026), <https://www.flhsmv.gov/2026/01/30/flhsmv-announces-driver-license-exams-to-be-administered-in-english-only/> (last visited Feb. 6, 2026).

<sup>52</sup> S. [322.033, F.S.](#)

<sup>53</sup> [S. 322.033\(2\), F.S.](#)

<sup>54</sup> [S. 322.033\(4\), F.S.](#)

<sup>55</sup> DHSMV, *Out-of-state license classes no longer accepted in Florida*, <https://www.flhsmv.gov/driver-licenses-id-cards/visiting-florida-faqs/sb1718/> (last visited Feb. 6, 2026).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> [S. 560.103\(23\), F.S.](#)

<sup>59</sup> [S. 560.125, F.S.](#)

## Office of Financial Regulation ("OFR")

OFR is responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.<sup>60</sup> The Division of Consumer Finance within OFR licenses and regulates various aspects of the non-depository financial services industries, including mortgage and money services businesses.<sup>61</sup>

### Regulatory Trust Fund

The Regulatory Trust Fund is used by OFR to pay the costs associated with carrying out OFR's responsibilities under the Money Services Businesses chapter.<sup>62</sup> The Regulatory Trust Fund is funded by money paid in license application fees, license renewal fees, late payment penalties, civil penalties, administrative fines, and other fees, costs, or penalties paid to OFR pursuant to the Money Services Businesses chapter.<sup>63</sup>

### State-Chartered Financial Institutions

A financial institution must hold a federal or state charter to accept deposits. Banks are chartered either as national banks by the Office of the Comptroller of the Currency ("OCC") under the United States Department of the Treasury, or as state banks by a state regulator.<sup>64</sup>

In Florida, the Florida Financial Institutions Code governs all state-authorized and state-chartered banks, trust companies, and related entities.<sup>65</sup> OFR licenses and regulates 196 financial entities, including 57 state-chartered banks.<sup>66</sup>

### Office of Insurance Regulation

The Office of Insurance Regulation ("OIR") regulates all activities relating to insurers and other risk bearing entities, including licensing, rates, policy forms, marked conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision.<sup>67</sup> OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each authorized insurer in the state.<sup>68</sup> As part of that process, insurers must make available all records relating to the subject of the examination.<sup>69</sup> OIR is also authorized to carry out market conduct examinations to determine compliance with the Florida Insurance Code.<sup>70</sup>

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<sup>60</sup> [S. 20.121\(3\)\(a\)\(2\), F.S.](#)

<sup>61</sup> OFR, *Division of Consumer Finance*, <https://flofr.gov/divisions-offices/division-of-consumerfinance> (last visited Feb. 6, 2026).

<sup>62</sup> [S. 560.144, F.S.](#)

<sup>63</sup> *Id.*

<sup>64</sup> Congressional Research Service, Introduction to Financial Services: Banking, p. 1, January 5, 2023, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10035> (last visited Feb. 6, 2026).

<sup>65</sup> S. 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, F.S., financial institutions generally; Ch. 657, F.S., credit unions; Ch. 658, F.S., banks and trust companies; Ch. 660, F.S., trust business; Ch. 662, F.S., family trust companies; Ch. 663, F.S., international banking; Ch. 665, F.S., relating to associations; and Ch. 667, F.S., savings banks.

<sup>66</sup> OFR, Fast Facts (2025 ed.), available at: <https://flofr.gov/docs/default-source/documents/fast-facts.pdf> (last visited Feb. 6, 2026).

<sup>67</sup> [S. 20.121\(3\)\(a\), F.S.](#)

<sup>68</sup> [S. 624.316\(1\)\(a\), F.S.](#)

<sup>69</sup> [S. 624.318\(2\), F.S.](#)

<sup>70</sup> [S. 624.3161, F.S.](#)

**RECENT LEGISLATION:**

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025B	<a href="#">HB 1B</a> - Immigration	McClure/ <i>Gruters</i>	Passed and became law.
2023	<a href="#">CS/CS/SB 1718</a> - Immigration	Michael/ <i>Ingoglia</i>	Passed and became law.
2022	<a href="#">CS/SB 1808</a> - Immigration Enforcement	Snyder/ <i>Bean</i>	Passed and became law.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Commerce Committee</a>			Hamon	Miguez
<a href="#">State Affairs Committee</a>				
<a href="#">Judiciary Committee</a>				