

1 A bill to be entitled
2 An act relating to unauthorized aliens; creating s.
3 17.72, F.S.; prohibiting the Department of Financial
4 Services from issuing a license or certification to
5 unauthorized aliens; requiring the department to adopt
6 rules; amending s. 125.0167, F.S.; authorizing a
7 county to require a borrower to provide proof of being
8 lawfully present in the United States; creating s.
9 284.52, F.S.; providing definitions; authorizing the
10 Division of Risk Management to approve or deny claims
11 relating to a minor who is an unauthorized alien;
12 prohibiting the division from approving any claim
13 submitted by an adult who is an authorized alien or
14 fails to provide lawful documentation of citizenship;
15 amending s. 322.53, F.S.; requiring certain
16 procedures, instruction, and testing to be conducted
17 in English; prohibiting alternate language
18 accommodations; creating s. 420.56, F.S.; providing
19 definitions; prohibiting certain entities and
20 corporations from providing down payment assistance to
21 unauthorized aliens; requiring an unauthorized alien
22 to repay such down payment assistance if received;
23 authorizing certain entities and corporations to
24 initiate foreclosure proceedings under certain
25 circumstances; amending s. 420.5088, F.S.; providing

26 that the Florida Homeownership Assistance Program is
27 to assist certain persons who are lawfully present in
28 the United States; amending s. 420.5096, F.S.;
29 providing that the Florida Hometown Hero Program is to
30 assist certain persons who are lawfully present in the
31 United States; amending s. 440.02, F.S.; revising the
32 definition of the term "employee"; amending s. 440.10,
33 F.S.; conforming a provision to changes made by the
34 act; creating s. 440.1001, F.S.; defining the term
35 "unauthorized alien"; providing that an employer who
36 hires or employs an unauthorized alien is personally
37 liable for any medical and treatment costs resulting
38 from an injury to such person; prohibiting an employer
39 from transferring or shifting financial responsibility
40 for such injury to others; providing penalties;
41 requiring the Department of Financial Services to
42 transfer reported violations to appropriate licensing
43 authorities; creating s. 440.1002, F.S.; defining the
44 term "E-Verify system"; requiring an employer to
45 verify an employee's employment eligibility before
46 submitting a workers' compensation claim; requiring
47 employers to retain and provide to the Department of
48 Financial Services upon request certain documentation
49 and verification; providing construction; authorizing
50 the department to adopt rules; amending s. 448.09,

51 F.S.; providing penalties for an employer who
52 knowingly employs, hires, recruits, or refers an
53 unauthorized alien; requiring fines collected to be
54 deposited into the State Economic Enhancement and
55 Development Trust Fund; providing a civil cause of
56 action; amending s. 448.095, F.S.; authorizing the
57 Department of Financial Services to request certain
58 verification of an employee's employment eligibility;
59 amending s. 560.208, F.S.; requiring a licensee to
60 verify a person's citizenship status before initiating
61 a foreign remittance transfer; defining the term
62 "foreign remittance transfer"; requiring the Financial
63 Services Commission to adopt certain rules; requiring
64 licensees to submit certain forms to the commission
65 within a specified time period; providing a penalty;
66 requiring a licensee to submit such penalty to the
67 commission within a specified time period; requiring
68 the commission to deposit penalties collected into the
69 Regulatory Trust Fund; providing construction;
70 amending s. 560.211, F.S.; requiring licensees to
71 make, keep, and preserve certain documentation used to
72 verify a sender of a foreign remittance transfer is
73 not an unauthorized alien; creating s. 560.2115, F.S.;
74 defining the terms "foreign remittance transfer" and
75 "unauthorized alien"; authorizing the Office of

76 Financial Regulation of the commission to request
77 records of certain documentation; authorizing a person
78 to file a complaint with the office; requiring the
79 office to notify a licensee upon a substantiated
80 complaint; requiring the office to conduct random
81 quarterly audits beginning on a specified date;
82 providing for the suspension of licenses under certain
83 circumstances; amending s. 560.310, F.S.; prohibiting
84 certain forms of personal identification for certain
85 corporate payment instruments; creating s. 627.7408,
86 F.S.; defining the terms "invalid out-of-state driver
87 license" and "unauthorized out-of-state driver";
88 creating a rebuttable presumption of fault against
89 unauthorized out-of-state drivers involved in motor
90 vehicle accidents; providing an exception; providing
91 for the rebuttal of the presumption upon the showing
92 of clear and convincing evidence; requiring law
93 enforcement officers to note the presence of a
94 presumption on a crash report form and notify the
95 Department of Highway Safety and Motor Vehicles within
96 a specified timeframe; requiring insurers to apply the
97 presumption when processing claims; prohibiting
98 insurers from paying or settling claims with
99 unauthorized out-of-state drivers; requiring insurers
100 to notify the Office of Insurance Regulation within a

specified timeframe under certain circumstances;
providing administrative penalties; authorizing a
private cause of action under certain circumstances;
providing for attorney fees and costs; requiring the
Department of Highway Safety and Motor Vehicles and
the Office of Insurance Regulation to adopt certain
rules; providing applicability and construction;
creating s. 655.98, F.S.; prohibiting a state-
chartered financial institution from accepting certain
forms of personal identification; requiring the Office
of Financial Regulation to adopt certain rules;
providing a directive to the Division of Law Revision;
providing an effective date.

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

Section 1. Section 17.72, Florida Statutes, is created to read:

17.72 Prohibition on licensing and certification of unauthorized aliens.—

(1) The department may not issue a license or certification to any person who is an unauthorized alien as defined in s. 908.111(1).

(2) The department shall adopt rules to establish criteria for verifying compliance with subsection (1) before issuing any

126 license or certificate.

127 **Section 2. Paragraph (c) of subsection (5) of section**
128 **125.0167, Florida Statutes, is amended to read:**

129 125.0167 Discretionary surtax on documents; adoption;
130 application of revenue.—

131 (5)

132 (c) A county may not impose any requirement as a condition
133 to receiving any financial assistance on a borrower other than
134 requiring proof that the borrower is lawfully present in the
135 United States and that the borrower's income does not exceed 140
136 percent of the area median income. In addition to the income
137 eligibility requirement, borrowers may only be subject to loan
138 qualifications of lenders licensed to provide mortgage financing
139 as to the amount of the loan. A county may not create
140 requirements that restrict participation by eligible borrowers.

141 **Section 3. Section 284.52, Florida Statutes, is created to**
142 **read:**

143 284.52 Denial of claims.—

144 (1) As used in this section, the term:

145 (a) "Adult" has the same meaning as in s. 847.001.

146 (b) "Minor" has the same meaning as in s. 847.001.

147 (c) "Unauthorized alien" has the same meaning as in s.
148 908.111(1).

149 (2) The Division of Risk Management may approve or deny
150 claims relating to an unauthorized alien who is a minor;

151 however, the division may not approve a claim submitted by an
152 unauthorized alien who is an adult or by a person who fails to
153 provide lawful documentation of citizenship to the division as
154 required by state and federal law.

155 **Section 4. Subsection (5) of section 322.53, Florida**
156 **Statutes, is renumbered as subsection (6), and a new subsection**
157 **(5) is added to that section, to read:**

158 322.53 License required; exemptions.—

159 (5) All licensing procedures, prelicensing instruction,
160 and licensing testing under this chapter must be conducted in
161 English. The use of interpreters, translators, translations, or
162 alternate language accommodations are prohibited.

163 **Section 5. Section 420.56, Florida Statutes, is created to**
164 **read:**

165 420.56 Down payment assistance for unauthorized aliens
166 prohibited.—

167 (1) As used in this section, the term:

168 (a) "Down payment assistance" includes, but is not limited
169 to, grants to assist a person in the purchase of a residential
170 property which takes the form of a loan or a silent second
171 mortgage.

172 (b) "Silent second mortgage" means a second mortgage used
173 to secure funds for a down payment for a residential property
174 which is not disclosed to the original mortgage lender before
175 closing occurs.

176 (c) "Unauthorized alien" has the same meaning as in s.
177 908.111(1).

178 (2) State and local governmental entities, the
179 corporation, and private corporations, including nonprofit
180 organizations incorporated under chapter 617, participating in
181 down payment assistance programs or silent second mortgage
182 programs may not provide any form of down payment assistance to
183 a person who is an unauthorized alien.

184 (3) If an unauthorized alien is discovered to have
185 received down payment assistance from a state or local
186 governmental entity, the corporation, or a private corporation,
187 the unauthorized alien must immediately repay the down payment
188 assistance to the appropriate entity or corporation. If the
189 unauthorized alien does not repay the down payment assistance,
190 the state or local governmental entity, the corporation, or the
191 private corporation must initiate foreclosure proceedings under
192 chapter 702 against the unauthorized alien.

193 **Section 6. Section 420.5088, Florida Statutes, is amended**
194 **to read:**

195 420.5088 Florida Homeownership Assistance Program.—~~There~~
196 ~~is created~~ The Florida Homeownership Assistance Program is
197 created for the purpose of assisting low-income and moderate-
198 income persons who are lawfully present in the United States in
199 purchasing a home as their primary residence by reducing the
200 cost of the home with below-market construction financing, by

201 reducing the amount of down payment and closing costs paid by
202 the borrower to a maximum of 5 percent of the purchase price, or
203 by reducing the monthly payment to an affordable amount for the
204 borrower ~~purchaser~~. Loans must ~~shall~~ be made available at an
205 interest rate that does not exceed 3 percent. The balance of any
206 loan is due at closing if the property is sold, refinanced,
207 rented, or transferred, unless otherwise approved by the
208 corporation.

209 (1) For loans made available pursuant to s.
210 420.507(23)(a)1. or 2.:

211 (a) The corporation may underwrite and make those mortgage
212 loans through the program to persons or families who are
213 lawfully present in the United States and have incomes that do
214 not exceed 120 percent of the state or local median income,
215 whichever is greater, adjusted for family size.

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

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

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

222 (a) Availability is limited to nonprofit sponsors or
223 developers who are selected for program participation pursuant
224 to this subsection.

225 (b) Preference must be given to community-based

226 organizations as defined in s. 420.503.

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

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

232 (e) At least 30 percent of the units in a project financed
233 pursuant to this subsection must be sold to persons or families
234 who are lawfully present in the United States and who have
235 incomes that do not exceed 80 percent of the state or local
236 median income, whichever amount is greater, adjusted for family
237 size; and at least another 30 percent of the units in a project
238 financed pursuant to this subsection must be sold to persons or
239 families who are lawfully present in the United States and who
240 have incomes that do not exceed 65 percent of the state or local
241 median income, whichever amount is greater, adjusted for family
242 size.

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

245 (g) A person who is lawfully present in the United States
246 and purchases a home in a project financed under this subsection
247 is eligible for a loan authorized by s. 420.507(23)(a)1. or 2.
248 in an aggregate amount not exceeding the construction loan made
249 pursuant to this subsection. The home purchaser must meet all
250 the requirements for loan recipients established pursuant to the

applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.
2. The direct benefits of the assistance to the persons who will reside in the proposed housing.
3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.
4. The economic feasibility of the proposal.
5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.
6. The use of the least amount of program loan funds compared to overall project cost.
7. The provision of homeownership counseling.
8. The applicant's agreement to exceed the requirements of paragraph (e).
9. The commitment of first mortgage financing for the

276 balance of the construction loan and for the permanent loans to
277 the purchasers of the housing.

278 10. The applicant's ability to proceed with construction.

279 11. The targeting objectives of the corporation which will
280 ensure an equitable distribution of loans between rural and
281 urban areas.

282 12. The extent to which the proposal will further the
283 purposes of this program.

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

285 (j) The review committee established by corporation rule
286 pursuant to this subsection shall make recommendations to the
287 corporation board regarding program participation under this
288 subsection. The corporation board shall make the final ranking
289 for participation based on the scores received in the ranking,
290 further review of the applications, and the recommendations of
291 the review committee. The corporation board shall approve or
292 reject applicants for loans and shall determine the tentative
293 loan amount available to each program participant. The final
294 loan amount shall be determined pursuant to rule adopted under
295 s. 420.507(23)(h).

296 (3) The corporation shall publish a notice of fund
297 availability in a publication of general circulation throughout
298 this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated
299 availability of funds.

300 (4) ~~There is authorized to be established by The~~

corporation may establish with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under ~~the provisions of~~ the Florida Homeownership Assistance Program shall be deposited in the fund and may ~~shall~~ not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund are ~~shall~~ not be required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

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

Section 7. Subsections (2) and (3) of section 420.5096, Florida Statutes, are amended to read:

420.5096 Florida Hometown Hero Program.—

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial assistance to residents to purchase a home as their primary residence. Under the program, a borrower who is lawfully present in the United States 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 exceeding \$35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who are lawfully present in the United States and who have household incomes that do not exceed 150 percent of the state

median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer, and a Florida resident, and lawfully present in the United States; and must be employed full-time by a Florida-based employer. 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, or a veteran.

Section 8. Subsection (18) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(18) (a) "Employee" means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, ~~whether lawfully or unlawfully employed,~~ and includes, ~~but is not limited to,~~ aliens authorized for employment under federal law and lawfully or unlawfully employed minors.

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are

376 continuous.

377 1. Any officer of a corporation may elect to be exempt
378 from this chapter by filing notice of the election with the
379 department as provided in s. 440.05.

380 2. As to officers of a corporation who are engaged in the
381 construction industry, no more than three officers of a
382 corporation or of any group of affiliated corporations may elect
383 to be exempt from this chapter by filing a notice of the
384 election with the department as provided in s. 440.05. Officers
385 must be shareholders, each owning at least 10 percent of the
386 stock of such corporation and listed as an officer of such
387 corporation with the Division of Corporations of the Department
388 of State, in order to elect exemptions under this chapter. For
389 purposes of this subparagraph, the term "affiliated" means and
390 includes one or more corporations or entities, any one of which
391 is a corporation engaged in the construction industry, under the
392 same or substantially the same control of a group of business
393 entities which are connected or associated so that one entity
394 controls or has the power to control each of the other business
395 entities. The term "affiliated" includes, but is not limited to,
396 the officers, directors, executives, shareholders active in
397 management, employees, and agents of the affiliated corporation.
398 The ownership by one business entity of a controlling interest
399 in another business entity or a pooling of equipment or income
400 among business entities shall be prima facie evidence that one

business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

(c) "Employee" includes:

1. A sole proprietor or a partner who is not engaged in the construction industry, devotes full time to the proprietorship or partnership, and elects to be included in the definition of employee by filing notice thereof as provided in s. 440.05.

2. All persons who are being paid by a construction contractor as a subcontractor, unless the subcontractor has validly elected an exemption as permitted by this chapter, or has otherwise secured the payment of compensation coverage as a subcontractor, consistent with s. 440.10, for work performed by or as a subcontractor.

3. An independent contractor working or performing services in the construction industry.

4. A sole proprietor who engages in the construction industry and a partner or partnership that is engaged in the construction industry.

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for

work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

476 (VII) The success or failure of the independent
477 contractor's business depends on the relationship of business
478 receipts to expenditures.

479 c. Notwithstanding anything to the contrary in this
480 subparagraph, an individual claiming to be an independent
481 contractor has the burden of proving that he or she is an
482 independent contractor for purposes of this chapter.

483 2. A real estate licensee, if that person agrees, in
484 writing, to perform for remuneration solely by way of
485 commission.

486 3. Bands, orchestras, and musical and theatrical
487 performers, including disk jockeys, performing in licensed
488 premises as defined in chapter 562, if a written contract
489 evidencing an independent contractor relationship is entered
490 into before the commencement of such entertainment.

491 4. An owner-operator of a motor vehicle who transports
492 property under a written contract with a motor carrier which
493 evidences a relationship by which the owner-operator assumes the
494 responsibility of an employer for the performance of the
495 contract, if the owner-operator is required to furnish motor
496 vehicle equipment as identified in the written contract and the
497 principal costs incidental to the performance of the contract,
498 including, but not limited to, fuel and repairs, provided a
499 motor carrier's advance of costs to the owner-operator when a
500 written contract evidences the owner-operator's obligation to

reimburse such advance shall be treated as the owner-operator furnishing such cost and the owner-operator is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any

526 officer of a corporation who elects to be exempt from this
527 chapter. Such officer is not an employee for any reason under
528 this chapter until the notice of revocation of election filed
529 pursuant to s. 440.05 is effective.

530 8. An officer of a corporation that is engaged in the
531 construction industry who elects to be exempt from the
532 provisions of this chapter, as otherwise permitted by this
533 chapter. Such officer is not an employee for any reason until
534 the notice of revocation of election filed pursuant to s. 440.05
535 is effective.

536 9. An exercise rider who does not work for a single horse
537 farm or breeder, and who is compensated for riding on a case-by-
538 case basis, provided a written contract is entered into prior to
539 the commencement of such activity which evidences that an
540 employee/employer relationship does not exist.

541 10. A taxicab, limousine, or other passenger vehicle-for-
542 hire driver who operates said vehicles pursuant to a written
543 agreement with a company which provides any dispatch, marketing,
544 insurance, communications, or other services under which the
545 driver and any fees or charges paid by the driver to the company
546 for such services are not conditioned upon, or expressed as a
547 proportion of, fare revenues.

548 11. A person who performs services as a sports official
549 for an entity sponsoring an interscholastic sports event or for
550 a public entity or private, nonprofit organization that sponsors

an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based or the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

14. An unauthorized alien as defined in s. 908.111(1).

576 **Section 9. Subsection (2) of section 440.10, Florida**
577 **Statutes, is amended to read:**

578 440.10 Liability for compensation.—

579 (2) Compensation shall be payable irrespective of fault as
580 a cause for the injury, except as provided in ss. 440.09(3) and
581 440.1001 s. ~~440.09(3)~~.

582 **Section 10. Section 440.1001, Florida Statutes, is created**
583 **to read:**

584 440.1001 Employer liability for injuries to unauthorized
585 aliens.—

586 (1) As used in this section, the term "unauthorized alien"
587 has the same meaning as in s. 908.111(1).

588 (2) An employer who knowingly hires or employs an
589 individual who is not authorized to work in the United States
590 under federal law is personally and fully liable for all medical
591 and treatment costs and related expenses resulting from an
592 injury sustained by the unauthorized alien during his or her
593 employment.

594 (3) An employer may not transfer or otherwise shift
595 financial responsibility for medical and treatment costs and
596 related expenses resulting from an injury to any third party,
597 including an insurance company, a state agency, or any other
598 entity.

599 (4) An employer who violates this section is subject to
600 the following penalties:

601 (a) A fine not to exceed \$50,000 per violation. Fines
602 collected under this paragraph must be deposited into the
603 Workers' Compensation Administration Trust Fund.

604 (b) Reimbursement of any public funds expended to provide
605 medical care to the unauthorized alien.

606 (c) Revocation of the employer's business license,
607 registration, or certification issued by the appropriate
608 licensing authority.

609 (5) The department shall transfer reported violations of
610 this section to the appropriate licensing authority for
611 enforcement.

612 **Section 11. Section 440.1002, Florida Statutes, is created**
613 **to read:**

614 440.1002 Employment eligibility for purposes of workers'
615 compensation eligibility.—

616 (1) As used in this section, the term "E-Verify system"
617 has the same meaning as in s. 448.095(1).

618 (2) Before an employer may submit a claim for workers'
619 compensation benefits for an employee, the employer must first
620 verify the employee's employment eligibility through the E-
621 Verify system.

622 (3) If an employer fails to check an employee's employment
623 eligibility through the E-Verify system before submitting a
624 claim for workers' compensation benefits, the employer is:

625 (a) Ineligible to receive indemnity or medical coverage

626 from the employer's workers compensation insurance provider for
627 injuries sustained by that employee.

628 (b) Personally liable for all costs, expenses, and
629 benefits that would have otherwise been covered under this
630 chapter.

631 (4) An employer must retain a copy of the documentation
632 provided and any verification generated, if applicable, by the
633 E-Verify system for each employee. The employer must provide
634 such documentation or verification to the department or insurer
635 upon request.

636 (5) This section may not be construed to bestow any
637 employment rights or legal status on an employee who is verified
638 through the E-Verify system.

639 (6) The department may adopt rules to implement and
640 enforce this section.

641 **Section 12. Subsection (5) of section 448.09, Florida**
642 **Statutes, is renumbered as subsection (9), subsections (3) and**
643 **(4) are amended, and new subsections (4) through (8) are added**
644 **to that section, to read:**

645 448.09 Unauthorized aliens; employment prohibited.—

646 (3) For an employer who knowingly violates ~~a violation of~~
647 this section, the department shall suspend for 1 year all
648 licenses held by the employer which were issued by a licensing
649 agency under chapter 120 and impose a fine not to exceed \$10,000
650 per violation. Fines collected under this subsection must be

651 deposited into the State Economic Enhancement and Development
652 Trust Fund.

653 (4) For an employer who knowingly violates this section a
654 second time, the department shall suspend for 5 years all
655 licenses held by the employer which were issued by a licensing
656 agency under chapter 120 and impose a fine not to exceed
657 \$100,000 per violation. Fines collected under this subsection
658 must be deposited into the State Economic Enhancement and
659 Development Trust Fund.

660 (5) For an employer who knowingly violates this section a
661 third time, the department shall permanently revoke all licenses
662 held by the employer personally, as well as any licenses held by
663 the entity if the employer is a corporation, which were issued
664 by a licensing agency under chapter 120 and impose a fine not to
665 exceed \$250,000 per violation. Fines collected under this
666 subsection must be deposited into the State Economic Enhancement
667 and Development Trust Fund.

668 (6) (a) For an employer who knowingly violates this section
669 and the actions of an unauthorized alien employee result in
670 injuries to another person, the department shall suspend for 5
671 years all licenses held by the employer which were issued by a
672 licensing agency under chapter 120 and impose a fine not to
673 exceed \$100,000 per violation.

674 (b) For an employer who knowingly violates this section
675 and the actions of an unauthorized alien employee result in the

676 death of another person, the department shall permanently revoke
677 all licenses held by the employer which were issued by a
678 licensing agency under chapter 120 and impose a fine not to
679 exceed \$500,000 per violation.

680 (c) Fines collected under this subsection must be
681 deposited into the State Economic Enhancement and Development
682 Trust Fund.

683 (d) There is created a civil cause of action against an
684 employer who violates this section and such violation results in
685 injuries to or the death of another person.

686 (7) An employer who knowingly hires more than 50
687 unauthorized aliens commits a felony of the third degree,
688 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
689 and the department shall permanently revoke all licenses held by
690 the employer personally, as well as any licenses held by the
691 entity if the employer is a corporation, which were issued by a
692 licensing agency under chapter 120.

693 (8) A person who is injured or the next of kin, as defined
694 in s. 744.102, of a person who is killed by the actions of an
695 unauthorized alien employee may bring a cause of action under
696 subsection (6) against the employer for damages for bodily
697 injury or death ~~place the employer on probation for a 1-year~~
698 ~~period and require that the employer report quarterly to the~~
699 ~~department to demonstrate compliance with the requirements of~~
700 ~~subsection (1) and s. 448.095.~~

~~(4) Any violation of this section which 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 chapter 120. The department shall take the following actions for a violation involving:~~

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

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

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

Section 13. Paragraph (a) of subsection (3) of section 448.095, Florida Statutes, is amended to read:

448.095 Employment eligibility.—

(3) ENFORCEMENT.—

(a) For the purpose of enforcement of this section, any of the following persons or 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:

1. The Department of Law Enforcement;
2. The Attorney General;

726 3. The state attorney in the circuit in which the new
727 employee works;

728 4. The statewide prosecutor;

729 5. The Department of Financial Services; or

730 ~~6.5.~~ The Department of Commerce.

731 **Section 14. Subsection (7) is added to section 560.208,**
732 **Florida Statutes, to read:**

733 560.208 Conduct of business.—In addition to the
734 requirements specified in s. 560.1401, a licensee under this
735 part:

736 (7) May not initiate a foreign remittance transfer unless
737 the licensee has verified that the sender is not an unauthorized
738 alien as defined in s. 908.111(1).

739 (a) As used in this subsection, the term "foreign
740 remittance transfer" means a remittance transfer as defined in
741 the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as
742 amended, the recipient of which is located in any country other
743 than the United States.

744 (b) The commission shall adopt rules relating to
745 acceptable forms of documentation that a licensee must use to
746 verify that the sender of a foreign remittance transfer is not
747 an unauthorized alien. The licensee must provide confirmation of
748 verification on forms the commission prescribes. All required
749 forms must be submitted to the office by the 15th of the month
750 after the close of each calendar quarter.

751 (c) A licensee who initiates a foreign remittance transfer
752 in violation of this subsection, must pay a penalty equal to 25
753 percent of the United States dollar amount transferred,
754 excluding any fees or charges imposed by the licensee. A
755 licensee must remit to the office the amount of any penalty
756 owed, along with any forms prescribed by the office, by the 15th
757 of the month after the close of each calendar quarter.
758 Notwithstanding ss. 252.3711 and 560.144, the office must
759 deposit in the Regulatory Trust Fund the penalties collected
760 under this paragraph. Notwithstanding any other provision of
761 law, the penalty imposed in this paragraph is the only remedy
762 for a violation of this subsection and a licensee may not be
763 subject to any other penalty.

764 **Section 15. Paragraphs (i) and (j) of subsection (1) of**
765 **section 560.211, Florida Statutes, are redesignated as**
766 **paragraphs (j) and (k), respectively, and a new paragraph (i) is**
767 **added to that subsection, to read:**

768 560.211 Required records.—

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

773 (i) The documentation used to verify that the sender of a
774 foreign remittance transfer, as defined in s. 560.208(7)(a), is
775 not an unauthorized alien, as defined in s. 908.111(1), and the

penalties paid to the office pursuant to s. 560.208(7)(c),
including the date and amount of each foreign remittance
transfer and the name, date of birth, and address of each
sender.

**Section 16. Section 560.2115, Florida Statutes, is created
to read:**

560.2115 Required records audit.—

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

(a) "Foreign remittance transfer" has the same meaning as
in s. 560.208(7)(a).

(b) "Unauthorized alien" has the same meaning as in s.
908.111(1).

(2) For enforcement purposes, the office may at any time
request, and the licensee must provide, records of documentation
used to verify that the sender of a foreign remittance transfer
is not an unauthorized alien.

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

(b) Upon receipt of a valid complaint of a violation of s.
560.208(7), which is substantiated by evidence, the office must
notify the licensee of the complaint and the substantiated
evidence and the licensee must pay the penalty under s.
560.208(7)(c).

(4) Beginning July 1, 2026, the office must conduct random

quarterly audits of licensees to ensure compliance with s.
560.208(7). During an audit, the licensee must produce to the
office records of documentation the licensee used to verify that
each sender of a foreign remittance transfer is not an
unauthorized alien.

(5) Failure to comply with subsections (1)-(4) constitutes
grounds for the suspension of all licenses held by the licensee
which were issued by the office.

**Section 17. Subsection (2) of section 560.310, Florida
Statutes, is amended to read:**

560.310 Records of check cashers and foreign currency
exchangers.—

(2) If the payment instrument is ~~exceeds~~ \$1,000 or more,
the following additional information must be maintained or
submitted:

(a) Customer files, as prescribed by rule, on all
customers who cash corporate payment instruments that are ~~exceed~~
\$1,000 or more.

(b) A copy of the personal identification that bears a
photograph of the customer used as identification and presented
by the customer. Acceptable personal identification is limited
to a valid driver license; a state identification card issued by
any state of the United States or its territories or the
District of Columbia, and showing a photograph and signature; a
United States Government Resident Alien Identification Card; a

826 passport; or a United States Military identification card. The
827 following may not be used as a form of personal identification:

828 1. A license or identification card issued exclusively to
829 an unauthorized alien or undocumented immigrant.

830 2. A license or identification card that is substantially
831 the same as a license or identification card issued to a United
832 States citizen or resident or others lawfully present in the
833 United States but which has markings establishing that the
834 license holder did not present proof of his or her lawful
835 presence in the United States.

836 (c) A thumbprint of the customer taken by the licensee
837 when the payment instrument is presented for negotiation or
838 payment.

839 (d) The office shall, at a minimum, require licensees to
840 submit the following information to the check cashing database
841 or electronic log, before entering into each check cashing
842 transaction for each payment instrument being cashed, in such
843 format as required by rule:

- 844 1. Transaction date.
- 845 2. Payor name as displayed on the payment instrument.
- 846 3. Payee name as displayed on the payment instrument.
- 847 4. Conductor name, if different from the payee name.
- 848 5. Amount of the payment instrument.
- 849 6. Amount of currency provided.
- 850 7. Type of payment instrument, which may include personal,

payroll, government, corporate, third-party, or another type of instrument.

8. Amount of the fee charged for cashing of the payment instrument.

9. Branch or location where the payment instrument was accepted.

10. The type of identification and identification number presented by the payee or conductor.

11. Payee's workers' compensation insurance policy number or exemption certificate number, if the payee is a business.

12. Such additional information as required by rule.

For purposes of this subsection, multiple payment instruments accepted from any one person on any given day which total \$1,000 or more must be aggregated and reported in the check cashing database or on the log.

Section 18. Section 627.7408, Florida Statutes, is created to read:

627.7408 Presumption of fault in motor vehicle accidents involving unauthorized out-of-state drivers.—

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

(a) "Invalid out-of-state driver license" means a driver license deemed invalid under s. 322.033.

(b) "Unauthorized out-of-state driver" means a person operating a vehicle who has an invalid out-of-state driver

876 license.

877 (2) If an unauthorized out-of-state driver is involved in
878 a motor vehicle accident in this state, there is a rebuttable
879 presumption that the unauthorized-out-of-state driver is at
880 fault for the accident for purposes of filing an insurance
881 claim. This presumption applies regardless of the unauthorized
882 out-of-state driver's compliance with other traffic laws at the
883 time of the motor vehicle accident.

884 (3) The presumption under subsection (2) does not apply if
885 the other driver involved in the motor vehicle accident is
886 determined, by clear and convincing evidence, to be at egregious
887 fault because of, but not limited to, reckless driving in
888 violation of s. 316.192, leaving the scene of an accident in
889 violation of s. 316.027, or racing on highways in violation of
890 s. 316.191.

891 (4) The presumption established under subsection (2) may
892 be rebutted by clear and convincing evidence that the
893 unauthorized out-of-state driver was not at fault based on
894 factors such as witness statements, accident reconstruction, or
895 video evidence directly related to the circumstances of the
896 motor vehicle accident.

897 (5) Upon investigation of a motor vehicle accident, a law
898 enforcement officer, as defined in s. 943.10(1), must verify
899 whether any person involved in the motor vehicle accident is an
900 unauthorized out-of-state driver or has an invalid out-of-state

901 driver license in violation of s. 322.033. If a driver is
902 determined to be in violation of s. 322.033 and he or she does
903 not qualify for an exemption under subsection (3), the law
904 enforcement officer must note the presumption of fault on the
905 Florida Traffic Crash Report, Long Form or short-form crash
906 report under s. 316.066, as applicable, and notify the
907 Department of Highway Safety and Motor Vehicles within 48 hours
908 after the accident.

909 (6) Insurers licensed under chapter 624 must apply the
910 presumption under subsection (2) in processing claims and may
911 not pay benefits to or settle claims with an unauthorized out-
912 of-state driver. Insurers must report any suspected
913 noncompliance or rebuttal attempts by the unauthorized out-of-
914 state driver to the Office of Insurance Regulation within 30
915 days after the filing of an insurance claim. An insurer that
916 fails to comply with this subsection is subject to
917 administrative penalties under s. 624.4211.

918 (7) If an unauthorized out-of-state-driver's insurer is a
919 foreign insurer as defined in s. 624.06(2) and not licensed in
920 this state under chapter 624, any party aggrieved by the
921 nonenforcement of this section may bring a civil action for
922 injunctive relief and the prevailing party is entitled to
923 reasonable attorney fees and costs.

924 (8) The Department of Highway Safety and Motor Vehicles
925 and the Office of Insurance Regulation shall adopt rules to

926 implement this section, including standardized verification
927 forms and procedures for interagency coordination.

928 (9)(a) This section applies to all insurance policies
929 issued or renewed on or after the effective date of this act and
930 to all motor vehicle accidents occurring on or after the
931 effective date of this act.

932 (b) This section may not be construed to interfere with or
933 limit a law enforcement officer's authority delegated under a
934 287(g) agreement with United States Immigration and Customs
935 Enforcement.

936 **Section 19. Section 655.98, Florida Statutes, is created**
937 **to read:**

938 655.98 Prohibited forms of identification for state-
939 chartered financial institutions.—

940 (1) A state-chartered financial institution may not accept
941 any of the following as a form of identification for the purpose
942 of opening a deposit account, loan account, safe deposit box, or
943 to receive any other services from a state-chartered financial
944 institution:

945 (a) A license or identification card issued exclusively to
946 an unauthorized alien or undocumented immigrant.

947 (b) A license or identification card that is substantially
948 the same as a license or identification card issued to a United
949 States citizen or resident or others lawfully present in the
950 United States but which has markings establishing that the

951 license holder did not present proof of his or her lawful
952 presence in the United States.

953 (2) The Office of Financial Regulation shall adopt rules
954 to ensure compliance with, and to enforce, this section.

955 **Section 20.** The Division of Law Revision is directed to
956 replace the phrase "the effective date of this act" wherever it
957 occurs in this act with the date this act becomes a law.

958 **Section 21.** This act shall take effect upon becoming a
959 law.