

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 his or her  
15          lawful presence in the United States; amending s.  
16          322.53, F.S.; requiring certain procedures,  
17          instruction, and testing to be conducted in English;  
18          prohibiting alternate language accommodations;  
19          creating s. 420.56, F.S.; defining the terms "down  
20          payment assistance" and "unauthorized alien";  
21          prohibiting certain entities and corporations from  
22          providing down payment assistance to a person who was  
23          an unauthorized alien at the time such assistance was  
24          received; requiring an unauthorized alien to repay  
25          such down payment assistance if received; authorizing

26 certain entities and corporations to initiate  
27 foreclosure proceedings under certain circumstances;  
28 amending s. 420.5088, F.S.; providing that the Florida  
29 Homeownership Assistance Program is to assist certain  
30 persons who are lawfully present in the United States;  
31 amending s. 420.5096, F.S.; providing that the Florida  
32 Hometown Hero Program is to assist certain persons who  
33 are lawfully present in the United States; amending s.  
34 440.02, F.S.; revising the definition of the term  
35 "employee"; amending s. 440.10, F.S.; conforming a  
36 provision to changes made by the act; creating s.  
37 440.1001, F.S.; defining the term "unauthorized  
38 alien"; providing that an employer who hires or  
39 employs an adult who is an unauthorized alien is  
40 personally liable for certain costs and benefits  
41 resulting from an injury to such person; providing  
42 that an employer must reimburse a carrier for certain  
43 costs and benefits; providing for the adjudication of  
44 certain disputes and judicial review of certain  
45 orders; providing penalties; requiring the Department  
46 of Financial Services to transfer reported violations  
47 to appropriate licensing authorities; creating s.  
48 440.1002, F.S.; defining the term "E-Verify system";  
49 requiring an employer to verify an employee's  
50 employment eligibility before submitting a workers'

51 compensation claim; requiring employers to retain, for  
52 a specified timeframe, and provide to the Department  
53 of Financial Services or carrier upon request certain  
54 documentation and verification; providing  
55 construction; authorizing the department to adopt  
56 rules; amending s. 448.09, F.S.; defining the term  
57 "license"; providing penalties for an employer who  
58 knowingly employs, hires, recruits, or refers an  
59 unauthorized alien; requiring fines collected to be  
60 deposited into the State Economic Enhancement and  
61 Development Trust Fund; providing a civil cause of  
62 action; providing a criminal penalty; amending s.  
63 448.095, F.S.; authorizing the Department of Financial  
64 Services to request certain verification of an  
65 employee's employment eligibility; defining the term  
66 "license"; amending s. 560.208, F.S.; requiring a  
67 licensee to verify a person's citizenship status  
68 before initiating a foreign remittance transfer;  
69 defining the term "foreign remittance transfer";  
70 requiring the Financial Services Commission to adopt  
71 certain rules; requiring licensees to submit certain  
72 forms to the commission within a specified time  
73 period; providing a penalty; requiring a licensee to  
74 submit such penalty to the commission within a  
75 specified time period; requiring the commission to

76 deposit penalties collected into the Regulatory Trust  
77 Fund; providing construction; amending s. 560.211,  
78 F.S.; requiring licensees to make, keep, and preserve  
79 certain documentation used to verify a sender of a  
80 foreign remittance transfer is not an unauthorized  
81 alien; creating s. 560.2115, F.S.; defining the terms  
82 "foreign remittance transfer" and "unauthorized  
83 alien"; authorizing the Office of Financial Regulation  
84 of the commission to request records of certain  
85 documentation; authorizing a person to file a  
86 complaint with the office; requiring the office to  
87 notify a licensee upon a substantiated complaint;  
88 requiring the office to conduct random quarterly  
89 audits beginning on a specified date; providing for  
90 the suspension of licenses under certain  
91 circumstances; amending s. 560.310, F.S.; prohibiting  
92 certain forms of personal identification for certain  
93 corporate payment instruments; creating s. 627.7408,  
94 F.S.; defining the terms "invalid out-of-state driver  
95 license" and "unauthorized out-of-state driver";  
96 creating a rebuttable presumption of fault against  
97 unauthorized out-of-state drivers involved in motor  
98 vehicle accidents; providing an exception; providing  
99 for the rebuttal of the presumption upon the showing  
100 of clear and convincing evidence; requiring the Office

101 of Insurance Regulation to determine whether the  
102 presumption is rebutted within a specified timeframe;  
103 requiring law enforcement officers to note the  
104 presence of a presumption on a crash report form and  
105 notify the Department of Highway Safety and Motor  
106 Vehicles within a specified timeframe; requiring  
107 insurers to apply the presumption when processing  
108 claims, unless the presumption has been rebutted;  
109 prohibiting insurers from paying or settling claims  
110 with unauthorized out-of-state drivers; requiring  
111 insurers to notify the Office of Insurance Regulation  
112 within a specified timeframe under certain  
113 circumstances; providing administrative penalties;  
114 authorizing a private cause of action under certain  
115 circumstances; providing for attorney fees and costs;  
116 requiring the Department of Highway Safety and Motor  
117 Vehicles and the Office of Insurance Regulation to  
118 adopt certain rules; providing applicability and  
119 construction; creating s. 655.98, F.S.; prohibiting a  
120 state-chartered financial institution from accepting  
121 certain forms of personal identification; requiring  
122 the Office of Financial Regulation to adopt certain  
123 rules; providing a directive to the Division of Law  
124 Revision; providing an effective date.  
125

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

127

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

130 17.72 Prohibition on licensing and certification of  
 131 unauthorized aliens.—

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

135 (2) The department shall adopt rules to establish criteria  
 136 for verifying compliance with subsection (1) before issuing any  
 137 license or certificate.

138 **Section 2. Paragraph (c) of subsection (5) of section**  
 139 **125.0167, Florida Statutes, is amended to read:**

140 125.0167 Discretionary surtax on documents; adoption;  
 141 application of revenue.—

142 (5)

143 (c) A county may not impose any requirement as a condition  
 144 to receiving any financial assistance on a borrower other than  
 145 requiring proof that the borrower is lawfully present in the  
 146 United States and that the borrower's income does not exceed 140  
 147 percent of the area median income. In addition to the income  
 148 eligibility requirement, borrowers may only be subject to loan  
 149 qualifications of lenders licensed to provide mortgage financing  
 150 as to the amount of the loan. A county may not create

151 requirements that restrict participation by eligible borrowers.

152 **Section 3. Section 284.52, Florida Statutes, is created to**  
153 **read:**

154 284.52 Denial of claims.—

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

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

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

158 (c) "Unauthorized alien" has the same meaning as in s.  
159 908.111(1).

160 (2) The Division of Risk Management may approve or deny  
161 claims relating to an unauthorized alien who is a minor;  
162 however, the division may not approve a claim submitted by an  
163 unauthorized alien who is an adult or by a person who fails to  
164 provide lawful documentation of his or her lawful presence in  
165 the United States to the division as required by state and  
166 federal law.

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

170 322.53 License required; exemptions.—

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

175 **Section 5. Section 420.56, Florida Statutes, is created to**

176 **read:**

177 420.56 Down payment assistance for unauthorized aliens  
178 prohibited.-

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

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

184 (b) "Unauthorized alien" has the same meaning as in s.  
185 908.111(1).

186 (2) State and local governmental entities, the  
187 corporation, and private corporations, including nonprofit  
188 organizations incorporated under chapter 617, participating in  
189 down payment assistance programs or silent second mortgage  
190 programs may not use state or local government funds to provide  
191 any form of down payment assistance to a person who is an  
192 unauthorized alien.

193 (3) If a person is discovered to have been an unauthorized  
194 alien at the time he or she received down payment assistance  
195 funded entirely or in part by state or local government funds  
196 from a state or local governmental entity, the corporation, or a  
197 private corporation, the unauthorized alien must immediately  
198 repay the down payment assistance to the appropriate entity or  
199 corporation. If the unauthorized alien does not repay the down  
200 payment assistance, the state or local governmental entity, the

201 corporation, or the private corporation must initiate  
 202 foreclosure proceedings under chapter 702 against the  
 203 unauthorized alien.

204 **Section 6. Section 420.5088, Florida Statutes, is amended**  
 205 **to read:**

206 420.5088 Florida Homeownership Assistance Program.—~~There~~  
 207 ~~is created~~ The Florida Homeownership Assistance Program is  
 208 created for the purpose of assisting low-income and moderate-  
 209 income persons who are lawfully present in the United States in  
 210 purchasing a home as their primary residence by reducing the  
 211 cost of the home with below-market construction financing, by  
 212 reducing the amount of down payment and closing costs paid by  
 213 the borrower to a maximum of 5 percent of the purchase price, or  
 214 by reducing the monthly payment to an affordable amount for the  
 215 borrower purchaser. Loans must ~~shall~~ be made available at an  
 216 interest rate that does not exceed 3 percent. The balance of any  
 217 loan is due at closing if the property is sold, refinanced,  
 218 rented, or transferred, unless otherwise approved by the  
 219 corporation.

220 (1) For loans made available pursuant to s.  
 221 420.507(23)(a)1. or 2.:

222 (a) The corporation may underwrite and make those mortgage  
 223 loans through the program to persons or families who are  
 224 lawfully present in the United States and have incomes that do  
 225 not exceed 120 percent of the state or local median income,

226 | whichever is greater, adjusted for family size.

227 |       (b) Loans must ~~shall~~ be made available for the term of the  
228 | first mortgage.

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

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

233 |       (a) Availability is limited to nonprofit sponsors or  
234 | developers who are selected for program participation pursuant  
235 | to this subsection.

236 |       (b) Preference must be given to community-based  
237 | organizations as defined in s. 420.503.

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

240 |       (d) The benefits of making such loans must ~~shall~~ be  
241 | contractually provided to the persons or families purchasing  
242 | homes financed under this subsection.

243 |       (e) At least 30 percent of the units in a project financed  
244 | pursuant to this subsection must be sold to persons or families  
245 | who are lawfully present in the United States and who have  
246 | incomes that do not exceed 80 percent of the state or local  
247 | median income, whichever amount is greater, adjusted for family  
248 | size; and at least another 30 percent of the units in a project  
249 | financed pursuant to this subsection must be sold to persons or  
250 | families who are lawfully present in the United States and who

251 have incomes that do not exceed 65 percent of the state or local  
252 median income, whichever amount is greater, adjusted for family  
253 size.

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

256 (g) A person who is lawfully present in the United States  
257 and purchases a home in a project financed under this subsection  
258 is eligible for a loan authorized by s. 420.507(23)(a)1. or 2.  
259 in an aggregate amount not exceeding the construction loan made  
260 pursuant to this subsection. The home purchaser must meet all  
261 the requirements for loan recipients established pursuant to the  
262 applicable loan program.

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

- 269 1. The affordability of the housing proposed to be built.
- 270 2. The direct benefits of the assistance to the persons  
271 who will reside in the proposed housing.
- 272 3. The demonstrated capacity of the applicant to carry out  
273 the proposal, including the experience of the development team.
- 274 4. The economic feasibility of the proposal.
- 275 5. The extent to which the applicant demonstrates

276 potential cost savings by combining the benefits of different  
277 governmental programs and private initiatives, including the  
278 local government contributions and local government  
279 comprehensive planning and activities that promote affordable  
280 housing.

281 6. The use of the least amount of program loan funds  
282 compared to overall project cost.

283 7. The provision of homeownership counseling.

284 8. The applicant's agreement to exceed the requirements of  
285 paragraph (e).

286 9. The commitment of first mortgage financing for the  
287 balance of the construction loan and for the permanent loans to  
288 the purchasers of the housing.

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

290 11. The targeting objectives of the corporation which will  
291 ensure an equitable distribution of loans between rural and  
292 urban areas.

293 12. The extent to which the proposal will further the  
294 purposes of this program.

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

296 (j) The review committee established by corporation rule  
297 pursuant to this subsection shall make recommendations to the  
298 corporation board regarding program participation under this  
299 subsection. The corporation board shall make the final ranking  
300 for participation based on the scores received in the ranking,

301 further review of the applications, and the recommendations of  
302 the review committee. The corporation board shall approve or  
303 reject applicants for loans and shall determine the tentative  
304 loan amount available to each program participant. The final  
305 loan amount shall be determined pursuant to rule adopted under  
306 s. 420.507(23)(h).

307 (3) The corporation shall publish a notice of fund  
308 availability in a publication of general circulation throughout  
309 this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated  
310 availability of funds.

311 (4) ~~There is authorized to be established by~~ The  
312 corporation may establish with a qualified public depository  
313 meeting the requirements of chapter 280 the Florida  
314 Homeownership Assistance Fund to be administered by the  
315 corporation according to the provisions of this program. Any  
316 amounts held in the Florida Homeownership Assistance Trust Fund  
317 for such purposes as of January 1, 1998, must be transferred to  
318 the corporation for deposit in the Florida Homeownership  
319 Assistance Fund, whereupon the Florida Homeownership Assistance  
320 Trust Fund must be closed. There shall be deposited in the fund  
321 moneys from the State Housing Trust Fund created by s. 420.0005,  
322 or moneys received from any other source, for the purpose of  
323 this program and all proceeds derived from the use of such  
324 moneys. In addition, all unencumbered funds, loan repayments,  
325 proceeds from the sale of any property, and any other proceeds

326 that would otherwise accrue pursuant to the activities of the  
327 programs described in this section shall be transferred to this  
328 fund. In addition, all loan repayments, proceeds from the sale  
329 of any property, and any other proceeds that would otherwise  
330 accrue pursuant to the activities conducted under ~~the provisions~~  
331 ~~of~~ the Florida Homeownership Assistance Program shall be  
332 deposited in the fund and may ~~shall~~ not revert to the General  
333 Revenue Fund. Expenditures from the Florida Homeownership  
334 Assistance Fund are ~~shall~~ not ~~be~~ required to be included in the  
335 corporation's budget request or be subject to appropriation by  
336 the Legislature.

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

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

343 420.5096 Florida Hometown Hero Program.—

344 (2) The Florida Hometown Hero Program is created to assist  
345 Florida's hometown workforce in attaining homeownership by  
346 providing financial assistance to residents to purchase a home  
347 as their primary residence. Under the program, a borrower who is  
348 lawfully present in the United States may apply to the  
349 corporation for a loan to reduce the amount of the down payment  
350 and closing costs paid by the borrower by a minimum of \$10,000

351 and up to 5 percent of the first mortgage loan, not exceeding  
352 \$35,000. Loans must be made available at a zero percent interest  
353 rate and must be made available for the term of the first  
354 mortgage. The balance of any loan is due at closing if the  
355 property is sold, refinanced, rented, or transferred, unless  
356 otherwise approved by the corporation.

357 (3) For loans made available pursuant to s.  
358 420.507(23)(a)1. or 2., the corporation may underwrite and make  
359 those mortgage loans through the program to persons or families  
360 who are lawfully present in the United States and who have  
361 household incomes that do not exceed 150 percent of the state  
362 median income or local median income, whichever is greater. A  
363 borrower must be seeking to purchase a home as a primary  
364 residence; must be a first-time homebuyer, ~~and~~ a Florida  
365 resident, and lawfully present in the United States; and must be  
366 employed full-time by a Florida-based employer. The borrower  
367 must provide documentation of full-time employment or full-time  
368 status for self-employed individuals. The requirement to be a  
369 first-time homebuyer does not apply to a borrower who is an  
370 active duty servicemember of a branch of the armed forces or the  
371 Florida National Guard, as defined in s. 250.01, or a veteran.

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

374 440.02 Definitions.—When used in this chapter, unless the  
375 context clearly requires otherwise, the following terms shall

376 have the following meanings:

377 (18) (a) "Employee" means any person who receives  
 378 remuneration from an employer for the performance of any work or  
 379 service while engaged in any employment under any appointment or  
 380 contract for hire or apprenticeship, express or implied, oral or  
 381 written, ~~whether lawfully or unlawfully employed,~~ and includes,  
 382 ~~but is not limited to,~~ aliens authorized for employment under  
 383 federal law and lawfully or unlawfully employed minors,  
 384 including minors who are not lawfully present in the United  
 385 States.

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

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

393 2. As to officers of a corporation who are engaged in the  
 394 construction industry, no more than three officers of a  
 395 corporation or of any group of affiliated corporations may elect  
 396 to be exempt from this chapter by filing a notice of the  
 397 election with the department as provided in s. 440.05. Officers  
 398 must be shareholders, each owning at least 10 percent of the  
 399 stock of such corporation and listed as an officer of such  
 400 corporation with the Division of Corporations of the Department

401 of State, in order to elect exemptions under this chapter. For  
 402 purposes of this subparagraph, the term "affiliated" means and  
 403 includes one or more corporations or entities, any one of which  
 404 is a corporation engaged in the construction industry, under the  
 405 same or substantially the same control of a group of business  
 406 entities which are connected or associated so that one entity  
 407 controls or has the power to control each of the other business  
 408 entities. The term "affiliated" includes, but is not limited to,  
 409 the officers, directors, executives, shareholders active in  
 410 management, employees, and agents of the affiliated corporation.  
 411 The ownership by one business entity of a controlling interest  
 412 in another business entity or a pooling of equipment or income  
 413 among business entities shall be prima facie evidence that one  
 414 business is affiliated with the other.

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

418  
 419 Services are presumed to have been rendered to the corporation  
 420 if the officer is compensated by other than dividends upon  
 421 shares of stock of the corporation which the officer owns.

422 (c) "Employee" includes:

423 1. A sole proprietor or a partner who is not engaged in  
 424 the construction industry, devotes full time to the  
 425 proprietorship or partnership, and elects to be included in the

426 definition of employee by filing notice thereof as provided in  
427 s. 440.05.

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

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

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

439       (d) "Employee" does not include:

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

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

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

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

451 regulations;

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

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

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

463 (VI) The independent contractor receives compensation for  
464 work or services rendered on a competitive-bid basis or  
465 completion of a task or a set of tasks as defined by a  
466 contractual agreement, unless such contractual agreement  
467 expressly states that an employment relationship exists.

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

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

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

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

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

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

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

489 (VII) The success or failure of the independent  
 490 contractor's business depends on the relationship of business  
 491 receipts to expenditures.

492 c. Notwithstanding anything to the contrary in this  
 493 subparagraph, an individual claiming to be an independent  
 494 contractor has the burden of proving that he or she is an  
 495 independent contractor for purposes of this chapter.

496 2. A real estate licensee, if that person agrees, in  
 497 writing, to perform for remuneration solely by way of  
 498 commission.

499 3. Bands, orchestras, and musical and theatrical  
 500 performers, including disk jockeys, performing in licensed

501 premises as defined in chapter 562, if a written contract  
502 evidencing an independent contractor relationship is entered  
503 into before the commencement of such entertainment.

504 4. An owner-operator of a motor vehicle who transports  
505 property under a written contract with a motor carrier which  
506 evidences a relationship by which the owner-operator assumes the  
507 responsibility of an employer for the performance of the  
508 contract, if the owner-operator is required to furnish motor  
509 vehicle equipment as identified in the written contract and the  
510 principal costs incidental to the performance of the contract,  
511 including, but not limited to, fuel and repairs, provided a  
512 motor carrier's advance of costs to the owner-operator when a  
513 written contract evidences the owner-operator's obligation to  
514 reimburse such advance shall be treated as the owner-operator  
515 furnishing such cost and the owner-operator is not paid by the  
516 hour or on some other time-measured basis.

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

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

526 | includes, but is not limited to:

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

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

538 |       7. Unless otherwise prohibited by this chapter, any  
 539 | officer of a corporation who elects to be exempt from this  
 540 | chapter. Such officer is not an employee for any reason under  
 541 | this chapter until the notice of revocation of election filed  
 542 | pursuant to s. 440.05 is effective.

543 |       8. An officer of a corporation that is engaged in the  
 544 | construction industry who elects to be exempt from the  
 545 | provisions of this chapter, as otherwise permitted by this  
 546 | chapter. Such officer is not an employee for any reason until  
 547 | the notice of revocation of election filed pursuant to s. 440.05  
 548 | is effective.

549 |       9. An exercise rider who does not work for a single horse  
 550 | farm or breeder, and who is compensated for riding on a case-by-

551 case basis, provided a written contract is entered into prior to  
552 the commencement of such activity which evidences that an  
553 employee/employer relationship does not exist.

554 10. A taxicab, limousine, or other passenger vehicle-for-  
555 hire driver who operates said vehicles pursuant to a written  
556 agreement with a company which provides any dispatch, marketing,  
557 insurance, communications, or other services under which the  
558 driver and any fees or charges paid by the driver to the company  
559 for such services are not conditioned upon, or expressed as a  
560 proportion of, fare revenues.

561 11. A person who performs services as a sports official  
562 for an entity sponsoring an interscholastic sports event or for  
563 a public entity or private, nonprofit organization that sponsors  
564 an amateur sports event. For purposes of this subparagraph, such  
565 a person is an independent contractor. For purposes of this  
566 subparagraph, the term "sports official" means any person who is  
567 a neutral participant in a sports event, including, but not  
568 limited to, umpires, referees, judges, linespersons,  
569 scorekeepers, or timekeepers. This subparagraph does not apply  
570 to any person employed by a district school board who serves as  
571 a sports official as required by the employing school board or  
572 who serves as a sports official as part of his or her  
573 responsibilities during normal school hours.

574 12. Medicaid-enrolled clients under chapter 393 who are  
575 excluded from the definition of employment under s.

576 443.1216(4) (d) and served by Adult Day Training Services under  
 577 the Home and Community-Based or the Family and Supported Living  
 578 Medicaid Waiver program in a sheltered workshop setting licensed  
 579 by the United States Department of Labor for the purpose of  
 580 training and earning less than the federal hourly minimum wage.

581 13. Medicaid-enrolled clients under chapter 393 who are  
 582 excluded from the definition of employment under s.

583 443.1216(4) (d) and served by Adult Day Training Services under  
 584 the Family and Supported Living Medicaid Waiver program in a  
 585 sheltered workshop setting licensed by the United States  
 586 Department of Labor for the purpose of training and earning less  
 587 than the federal hourly minimum wage.

588 14. An adult who is an unauthorized alien as defined in s.  
 589 908.111(1).

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

592 440.10 Liability for compensation.—

593 (2) Compensation shall be payable irrespective of fault as  
 594 a cause for the injury, except as provided in ss. 440.09(3) and  
 595 440.1001 s. ~~440.09(3)~~.

596 **Section 10. Section 440.1001, Florida Statutes, is created**  
 597 **to read:**

598 440.1001 Employer liability for injuries to unauthorized  
 599 aliens.—

600 (1) As used in this section, the term "unauthorized alien"

601 has the same meaning as in s. 908.111(1).

602 (2) An employer who hires or employs an adult who is not  
603 authorized to work in the United States under federal law is  
604 personally and fully liable for all medical and treatment costs,  
605 disability benefits, and death benefits compensable under this  
606 chapter resulting from an injury sustained by the unauthorized  
607 alien during his or her employment.

608 (3) An employer remains financially responsible and must  
609 reimburse a carrier for medical and treatment costs, disability  
610 benefits, and death benefits compensable under this chapter  
611 resulting from an injury.

612 (4) A dispute arising out of this chapter between an  
613 employer and an adult who is an unauthorized alien must be  
614 adjudicated by a judge of compensation claims. Judicial review  
615 of an order issued by such judge must be sought under s.  
616 440.271.

617 (5) An employer who violates this section is subject to  
618 the following penalties:

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

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

624 (c) Revocation of the employer's business license,  
625 registration, or certification issued by the appropriate

626 licensing authority.

627 (6) The department shall transfer reported violations of  
628 this section to the appropriate licensing authority for  
629 enforcement.

630 **Section 11. Section 440.1002, Florida Statutes, is created**  
631 **to read:**

632 440.1002 Employment eligibility for purposes of workers'  
633 compensation eligibility.-

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

636 (2) Before an employer may submit a claim for workers'  
637 compensation benefits for an employee, the employer must first  
638 verify the employee's employment eligibility through the E-  
639 Verify system.

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

643 (a) Financially responsible for reimbursement of all  
644 indemnity or medical coverage from the employer's workers  
645 compensation carrier for injuries sustained by that employee.

646 (b) Personally liable for all costs, expenses, and  
647 benefits that would have otherwise been covered under this  
648 chapter.

649 (4) An employer must retain for 5 years a copy of the  
650 documentation provided and any verification generated, if

651 applicable, by the E-Verify system for each employee. The  
652 employer must provide such documentation or verification to the  
653 department or carrier upon request.

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

657 (6) The department may adopt rules to implement and  
658 enforce this section.

659 **Section 12. Section 448.09, Florida Statutes, is amended**  
660 **to read:**

661 448.09 Unauthorized aliens; employment prohibited.—

662 (1) As used in this section, the term "license" has the  
663 same meaning as in s. 120.52.

664 (2)~~(1)~~ It is unlawful for any person to knowingly employ,  
665 hire, recruit, or refer, either for herself or himself or on  
666 behalf of another, for private or public employment within this  
667 state, an alien who is not duly authorized to work by the  
668 immigration laws of the United States, the Attorney General of  
669 the United States, or the United States Secretary of the  
670 Department of Homeland Security.

671 (3)~~(2)~~ If the Department of Commerce finds or is notified  
672 by an entity specified in s. 448.095(3)(a) that an employer has  
673 knowingly employed an unauthorized alien without verifying the  
674 employment eligibility of such person, the department must enter  
675 an order pursuant to chapter 120 making such determination and

676 require repayment of any economic development incentive pursuant  
677 to s. 288.061(6).

678 (4)-(3) For an employer who knowingly violates a violation  
679 of this section, the department shall impose a fine not to  
680 exceed \$10,000 and notify any licensing agency under chapter 120  
681 which issued a license to such employer. Upon receiving  
682 notification under this subsection, the licensing agency must  
683 suspend for 1 year any licenses held by the employer which were  
684 issued by such licensing agency. Fines collected under this  
685 subsection must be deposited into the State Economic Enhancement  
686 and Development Trust Fund.

687 (5) For an employer who knowingly violates this section a  
688 second time, the department shall impose a fine not to exceed  
689 \$100,000 and notify any licensing agency under chapter 120 which  
690 issued a license to such employer. Upon receiving notification  
691 under this subsection, the licensing agency must suspend for 5  
692 years any licenses held by the employer which were issued by  
693 such licensing agency. Fines collected under this subsection  
694 must be deposited into the State Economic Enhancement and  
695 Development Trust Fund.

696 (6) For an employer who knowingly violates this section a  
697 third time, the department shall impose a fine not to exceed  
698 \$250,000 and notify any licensing agency under chapter 120 which  
699 issued a license to such employer. Upon receiving notification  
700 under this subsection, the licensing agency must permanently

701 revoke any licenses held by the employer personally, as well as  
702 any licenses held by the entity, if the employer is a  
703 corporation, which were issued by such licensing agency. Fines  
704 collected under this subsection must be deposited into the State  
705 Economic Enhancement and Development Trust Fund.

706 (7) (a) For an employer who knowingly violates this section  
707 and the actions of an unauthorized alien employee result in  
708 injuries to another person, the department shall, at a minimum,  
709 impose a fine of at least \$100,000 and notify any licensing  
710 agency under chapter 120 which issued a license to such  
711 employer. Upon receiving notification under this paragraph, the  
712 licensing agency must suspend for 5 years any licenses held by  
713 the employer which were issued by such licensing agency.

714 (b) For an employer who knowingly violates this section  
715 and the actions of an unauthorized alien employee result in the  
716 death of another person, the department shall impose a fine not  
717 to exceed \$500,000 and notify any licensing agency under chapter  
718 120 which issued a license to such employer. Upon receiving  
719 notification under this paragraph, the licensing agency must  
720 permanently revoke any licenses held by the employer which were  
721 issued by such licensing agency.

722 (c) Fines collected under this subsection must be  
723 deposited into the State Economic Enhancement and Development  
724 Trust Fund.

725 (d) There is created a civil cause of action against an

726 employer who violates this section and such violation results in  
727 injuries to or the death of another person.

728 (8) Any person, including an owner, officer, agent, or  
729 employee of an employer, who knowingly hires more than 50  
730 unauthorized aliens commits a felony of the third degree,  
731 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
732 and the department shall notify any licensing agency under  
733 chapter 120 which issued a license to such employer. Upon  
734 receiving notification under this subsection, the licensing  
735 agency must permanently revoke any licenses held by the employer  
736 which were issued by such licensing agency.

737 (9) A person who is injured or the next of kin, as defined  
738 in s. 744.102, of a person who is killed by the actions of an  
739 unauthorized alien employee may bring a cause of action under  
740 subsection (7) against the employer for damages for bodily  
741 injury or death ~~place the employer on probation for a 1-year~~  
742 ~~period and require that the employer report quarterly to the~~  
743 ~~department to demonstrate compliance with the requirements of~~  
744 ~~subsection (1) and s. 448.095.~~

745 ~~(4) Any violation of this section which takes place within~~  
746 ~~24 months after a previous violation constitutes grounds for the~~  
747 ~~suspension or revocation of all licenses issued by a licensing~~  
748 ~~agency subject to chapter 120. The department shall take the~~  
749 ~~following actions for a violation involving:~~

750 ~~(a) One to ten unauthorized aliens, suspension of all~~

751 ~~applicable licenses held by a private employer for up to 30 days~~  
752 ~~by the respective agencies that issued them.~~

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

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

759 (10)~~(5)~~ An alien who is not duly authorized to work by the  
760 immigration laws of the United States, the Attorney General of  
761 the United States, or the United States Secretary of the  
762 Department of Homeland Security and who knowingly uses a false  
763 identification document or who fraudulently uses an  
764 identification document of another person for the purpose of  
765 obtaining employment commits a felony of the third degree,  
766 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

767 **Section 13. Paragraph (a) of subsection (3), paragraph (c)**  
768 **of subsection (5), and paragraph (b) of subsection (6) of**  
769 **section 448.095, Florida Statutes, are amended to read:**

770 448.095 Employment eligibility.—

771 (3) ENFORCEMENT.—

772 (a) For the purpose of enforcement of this section, any of  
773 the following persons or entities may request, and an employer  
774 must provide, copies of any documentation relied upon by the  
775 employer for the verification of a new employee's employment

776 | eligibility:

- 777 |       1. The Department of Law Enforcement;
- 778 |       2. The Attorney General;
- 779 |       3. The state attorney in the circuit in which the new
- 780 | employee works;
- 781 |       4. The statewide prosecutor;
- 782 |       5. The Department of Financial Services; or
- 783 |       ~~6.5.~~ The Department of Commerce.

784 |       (5) PUBLIC AGENCY CONTRACTING.—

785 |       (c)1. A public agency, contractor, or subcontractor who

786 | has a good faith belief that a person or an entity with which it

787 | is contracting has knowingly violated s. 448.09(2) ~~s. 448.09(1)~~

788 | shall terminate the contract with the person or entity.

789 |       2. A public agency that has a good faith belief that a

790 | subcontractor knowingly violated this subsection, but the

791 | contractor otherwise complied with this subsection, shall

792 | promptly notify the contractor and order the contractor to

793 | immediately terminate the contract with the subcontractor.

794 |       3. A contract terminated under this paragraph is not a

795 | breach of contract and may not be considered as such. If a

796 | public agency terminates a contract with a contractor under this

797 | paragraph, the contractor may not be awarded a public contract

798 | for at least 1 year after the date on which the contract was

799 | terminated. A contractor is liable for any additional costs

800 | incurred by a public agency as a result of the termination of a

801 contract.

802 (6) COMPLIANCE.—

803 (b) If the Department of Commerce determines that an  
 804 employer failed to use the E-Verify system as required under  
 805 this section three times in any 24-month period, the department  
 806 must impose a fine of \$1,000 per day until the employer provides  
 807 sufficient proof to the department that the noncompliance is  
 808 cured. Noncompliance constitutes grounds for the suspension of  
 809 all licenses issued by a licensing agency subject to chapter 120  
 810 until the noncompliance is cured. As used in this paragraph, the  
 811 term "license" has the same meaning as in s. 120.52.

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

814 560.208 Conduct of business.—In addition to the  
 815 requirements specified in s. 560.1401, a licensee under this  
 816 part:

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

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

825 (b) The commission shall adopt rules relating to

826 acceptable forms of documentation that a licensee must use to  
827 verify that the sender of a foreign remittance transfer is not  
828 an unauthorized alien. The licensee must provide confirmation of  
829 verification on forms the commission prescribes. All required  
830 forms must be submitted to the office by the 15th of the month  
831 after the close of each calendar quarter.

832 (c) A licensee who initiates a foreign remittance transfer  
833 in violation of this subsection, must pay a penalty equal to 25  
834 percent of the United States dollar amount transferred,  
835 excluding any fees or charges imposed by the licensee. A  
836 licensee must remit to the office the amount of any penalty  
837 owed, along with any forms prescribed by the office, by the 15th  
838 of the month after the close of each calendar quarter.  
839 Notwithstanding ss. 252.3711 and 560.144, the office must  
840 deposit in the Regulatory Trust Fund the penalties collected  
841 under this paragraph. Notwithstanding any other provision of  
842 law, the penalty imposed in this paragraph is the only remedy  
843 for a violation of this subsection and a licensee may not be  
844 subject to any other penalty.

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

849 560.211 Required records.—

850 (1) In addition to the record retention requirements under

851 s. 560.1105, each licensee under this part must make, keep, and  
852 preserve the following books, accounts, records, and documents  
853 for 5 years:

854 (i) The documentation used to verify that the sender of a  
855 foreign remittance transfer, as defined in s. 560.208(7)(a), is  
856 not an unauthorized alien, as defined in s. 908.111(1), and the  
857 penalties paid to the office pursuant to s. 560.208(7)(c),  
858 including the date and amount of each foreign remittance  
859 transfer and the name, date of birth, and address of each  
860 sender.

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

863 560.2115 Required records audit.-

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

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

867 (b) "Unauthorized alien" has the same meaning as in s.  
868 908.111(1).

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

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

876        (b) Upon receipt of a valid complaint of a violation of s.  
 877 560.208(7), which is substantiated by evidence, the office must  
 878 notify the licensee of the complaint and the substantiated  
 879 evidence and the licensee must pay the penalty under s.  
 880 560.208(7)(c).

881        (4) Beginning July 1, 2026, the office must conduct random  
 882 quarterly audits of licensees to ensure compliance with s.  
 883 560.208(7). During an audit, the licensee must produce to the  
 884 office records of documentation the licensee used to verify that  
 885 each sender of a foreign remittance transfer is not an  
 886 unauthorized alien.

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

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

892        560.310 Records of check cashers and foreign currency  
 893 exchangers.—

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

897        (a) Customer files, as prescribed by rule, on all  
 898 customers who cash corporate payment instruments that are ~~exceed~~  
 899 \$1,000 or more.

900        (b) A copy of the personal identification that bears a

901 photograph of the customer used as identification and presented  
902 by the customer. Acceptable personal identification is limited  
903 to a valid driver license; a state identification card issued by  
904 any state of the United States or its territories or the  
905 District of Columbia, and showing a photograph and signature; a  
906 United States Government Resident Alien Identification Card; a  
907 passport; or a United States Military identification card. The  
908 following may not be used as a form of personal identification:

909 1. A license or identification card issued exclusively to  
910 an unauthorized alien or undocumented immigrant.

911 2. A license or identification card that is substantially  
912 the same as a license or identification card issued to a United  
913 States citizen or resident or others lawfully present in the  
914 United States but which has markings establishing that the  
915 license holder did not present proof of his or her lawful  
916 presence in the United States.

917 (c) A thumbprint of the customer taken by the licensee  
918 when the payment instrument is presented for negotiation or  
919 payment.

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

925 1. Transaction date.

- 926 2. Payor name as displayed on the payment instrument.
- 927 3. Payee name as displayed on the payment instrument.
- 928 4. Conductor name, if different from the payee name.
- 929 5. Amount of the payment instrument.
- 930 6. Amount of currency provided.
- 931 7. Type of payment instrument, which may include personal,
- 932 payroll, government, corporate, third-party, or another type of
- 933 instrument.
- 934 8. Amount of the fee charged for cashing of the payment
- 935 instrument.
- 936 9. Branch or location where the payment instrument was
- 937 accepted.
- 938 10. The type of identification and identification number
- 939 presented by the payee or conductor.
- 940 11. Payee's workers' compensation insurance policy number
- 941 or exemption certificate number, if the payee is a business.
- 942 12. Such additional information as required by rule.

943

944 For purposes of this subsection, multiple payment instruments

945 accepted from any one person on any given day which total \$1,000

946 or more must be aggregated and reported in the check cashing

947 database or on the log.

948 **Section 18. Section 627.7408, Florida Statutes, is created**

949 **to read:**

950 627.7408 Presumption of fault in motor vehicle accidents

951 involving unauthorized out-of-state drivers.-

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

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

955 (b) "Unauthorized out-of-state driver" means a person  
956 operating a vehicle who has an invalid out-of-state driver  
957 license.

958 (2) If an unauthorized out-of-state driver is involved in  
959 a motor vehicle accident in this state, there is a rebuttable  
960 presumption that the unauthorized-out-of-state driver is at  
961 fault for the accident for purposes of filing an insurance  
962 claim. This presumption applies regardless of the unauthorized  
963 out-of-state driver's compliance with other traffic laws at the  
964 time of the motor vehicle accident.

965 (3) The presumption under subsection (2) does not apply if  
966 the other driver involved in the motor vehicle accident is  
967 determined, by clear and convincing evidence, to be at egregious  
968 fault because of, but not limited to, reckless driving in  
969 violation of s. 316.192, leaving the scene of an accident in  
970 violation of s. 316.027, or racing on highways in violation of  
971 s. 316.191.

972 (4) The presumption established under subsection (2) may  
973 be rebutted by clear and convincing evidence that the  
974 unauthorized out-of-state driver was not at fault based on  
975 factors such as witness statements, accident reconstruction, or

976 video evidence directly related to the circumstances of the  
977 motor vehicle accident. The office must determine, within 5  
978 business days after receipt of the evidence, whether the  
979 evidence presented is sufficient to rebut the presumption.

980 (5) Upon investigation of a motor vehicle accident, a law  
981 enforcement officer, as defined in s. 943.10(1), must verify  
982 whether any person involved in the motor vehicle accident is an  
983 unauthorized out-of-state driver or has an invalid out-of-state  
984 driver license in violation of s. 322.033. If a driver is  
985 determined to be in violation of s. 322.033 and he or she does  
986 not qualify for an exemption under subsection (3), the law  
987 enforcement officer must note the presumption of fault on the  
988 Florida Traffic Crash Report, Long Form or short-form crash  
989 report under s. 316.066, as applicable, and notify the  
990 Department of Highway Safety and Motor Vehicles within 48 hours  
991 after the accident.

992 (6) Insurers licensed under chapter 624 must apply the  
993 presumption under this section in processing claims and may not  
994 pay benefits to or settle claims with an unauthorized out-of-  
995 state driver, unless the office has determined the presumption  
996 has been rebutted. Insurers must report any suspected  
997 noncompliance or rebuttal attempts by the unauthorized out-of-  
998 state driver to the office within 30 days after the filing of an  
999 insurance claim. An insurer that fails to comply with this  
1000 subsection is subject to administrative penalties under s.

1001 624.4211.

1002 (7) The Department of Highway Safety and Motor Vehicles  
 1003 and the office shall adopt rules to implement this section,  
 1004 including standardized verification forms and procedures for  
 1005 interagency coordination.

1006 (8) (a) This section applies to all insurance policies  
 1007 issued or renewed on or after the effective date of this act and  
 1008 to all motor vehicle accidents occurring on or after the  
 1009 effective date of this act.

1010 (b) This section may not be construed to interfere with or  
 1011 limit a law enforcement officer's authority delegated under a  
 1012 287(g) agreement with United States Immigration and Customs  
 1013 Enforcement.

1014 **Section 19. Section 655.98, Florida Statutes, is created**  
 1015 **to read:**

1016 655.98 Prohibited forms of identification for state-  
 1017 chartered financial institutions.—

1018 (1) A state-chartered financial institution may not accept  
 1019 any of the following as a form of identification for the purpose  
 1020 of opening a deposit account, loan account, safe deposit box, or  
 1021 to receive any other services from a state-chartered financial  
 1022 institution:

1023 (a) A license or identification card issued exclusively to  
 1024 an unauthorized alien or undocumented immigrant.

1025 (b) A license or identification card that is substantially

1026 the same as a license or identification card issued to a United  
1027 States citizen or resident or others lawfully present in the  
1028 United States but which has markings establishing that the  
1029 license holder did not present proof of his or her lawful  
1030 presence in the United States.

1031 (2) The Office of Financial Regulation shall adopt rules  
1032 to ensure compliance with, and to enforce, this section.

1033 **Section 20.** The Division of Law Revision is directed to  
1034 replace the phrase "the effective date of this act" wherever it  
1035 occurs in this act with the date this act becomes a law.

1036 **Section 21.** This act shall take effect upon becoming a  
1037 law.