

By Senator Martin

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30 F.S.; providing that the purpose of the Florida
31 Hometown Hero Program is to assist certain persons who
32 are lawfully present in the United States; amending s.
33 440.02, F.S.; revising the definition of the term
34 "employee"; amending s. 440.10, F.S.; conforming a
35 provision to changes made by the act; creating s.
36 440.1001, F.S.; defining the term "unauthorized
37 alien"; providing that an employer who hires or
38 employs an unauthorized alien is personally liable for
39 any medical and treatment costs resulting from an
40 injury to such person; prohibiting an employer from
41 transferring or shifting financial responsibility for
42 such injury to others; providing administrative
43 penalties; requiring fines collected to be deposited
44 into the Workers' Compensation Administration Trust
45 Fund; requiring the department to transfer reported
46 violations to appropriate licensing authorities;
47 creating s. 440.1002, F.S.; defining the term "E-
48 Verify system"; requiring an employer to verify an
49 employee's employment eligibility before submitting a
50 workers' compensation claim; requiring employers to
51 retain and provide to the department upon request
52 certain documentation and verification; providing
53 construction; authorizing the department to adopt
54 rules; amending s. 448.09, F.S.; providing
55 administrative and criminal penalties for an employer
56 who knowingly employs, hires, recruits, or refers an
57 unauthorized alien; requiring fines collected to be
58 deposited into the State Economic Enhancement and

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59 Development Trust Fund; providing a civil cause of
60 action; amending s. 448.095, F.S.; authorizing the
61 department to request certain verification of an
62 employee's employment eligibility; amending s.
63 560.208, F.S.; requiring a licensee to verify a
64 person's citizenship status before initiating a
65 foreign remittance transfer; defining the term
66 "foreign remittance transfer"; requiring the Financial
67 Services Commission to adopt certain rules; requiring
68 licensees to submit certain forms to the commission
69 within a specified timeframe; providing an
70 administrative penalty for a specified violation;
71 requiring a licensee subject to such penalty to submit
72 payment to the commission within a specified
73 timeframe; requiring the commission to deposit
74 penalties collected into the Regulatory Trust Fund;
75 providing construction; amending s. 560.211, F.S.;
76 requiring licensees to make, keep, and preserve
77 certain documentation used to verify that a sender of
78 a foreign remittance transfer is not an unauthorized
79 alien; creating s. 560.2115, F.S.; defining the terms
80 "foreign remittance transfer" and "unauthorized
81 alien"; authorizing the Office of Financial Regulation
82 of the commission to request records of certain
83 documentation; authorizing a person to file a
84 complaint with the office; requiring the office to
85 notify a licensee upon receiving a substantiated
86 complaint; requiring the office to conduct random
87 quarterly audits beginning on a specified date;

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88 providing for the suspension of licenses under certain
89 circumstances; amending s. 560.310, F.S.; prohibiting
90 the use of certain forms of personal identification
91 for certain corporate payment instruments; creating s.
92 627.7408, F.S.; defining the terms "invalid out-of-
93 state driver license" and "unauthorized out-of-state
94 driver"; creating a rebuttable presumption of fault
95 against unauthorized out-of-state drivers involved in
96 motor vehicle accidents; providing exceptions;
97 providing for the rebuttal of the presumption upon the
98 showing of clear and convincing evidence; requiring
99 law enforcement officers to note the presence of a
100 presumption on a crash report form and notify the
101 Department of Highway Safety and Motor Vehicles within
102 a specified timeframe; requiring insurers to apply the
103 presumption when processing claims; prohibiting
104 insurers from paying or settling claims with
105 unauthorized out-of-state drivers; requiring insurers
106 to notify the Office of Insurance Regulation within a
107 specified timeframe under certain circumstances;
108 providing administrative penalties; authorizing a
109 private cause of action under certain circumstances;
110 providing for attorney fees and costs; requiring the
111 Department of Highway Safety and Motor Vehicles and
112 the Office of Insurance Regulation to adopt certain
113 rules; providing applicability and construction;
114 creating s. 655.98, F.S.; prohibiting a state-
115 chartered financial institution from accepting certain
116 forms of personal identification; requiring the Office

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117 of Financial Regulation to adopt certain rules;
118 providing a directive to the Division of Law Revision;
119 providing an effective date.

120

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

122

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

125 17.72 Prohibition on licensing and certification of
126 unauthorized aliens.—

127 (1) The department may not issue a license or certification
128 to any person who is an unauthorized alien as defined in s.
129 908.111(1).

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

133 Section 2. Paragraph (c) of subsection (5) of section
134 125.0167, Florida Statutes, is amended to read:

135 125.0167 Discretionary surtax on documents; adoption;
136 application of revenue.—

137 (5)

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

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146 requirements that restrict participation by eligible borrowers.

147 Section 3. Section 284.52, Florida Statutes, is created to
148 read:

149 284.52 Denial of claims.-

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

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

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

153 (c) "Unauthorized alien" has the same meaning as in s.

154 908.111.

155 (2) The Division of Risk Management may approve or deny
156 claims relating to an unauthorized alien who is a minor;
157 however, the division may not approve a claim submitted by an
158 unauthorized alien who is an adult or by a person who fails to
159 provide lawful documentation of citizenship to the division as
160 required by state and federal law.

161 Section 4. Present subsection (5) of section 322.53,
162 Florida Statutes, is redesignated as subsection (6), and a new
163 subsection (5) is added to that section, to read:

164 322.53 License required; exemptions.-

165 (5) All licensing procedures, prelicensing instruction, and
166 licensing testing under this chapter must be conducted in
167 English. The use of interpreters, translators, translations, or
168 alternate language accommodations is prohibited.

169 Section 5. Section 420.56, Florida Statutes, is created to
170 read:

171 420.56 Down payment assistance for unauthorized aliens
172 prohibited.-

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

174 (a) "Down payment assistance" includes, but is not limited

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175 to, grants to assist a person in the purchase of a residential
176 property which take the form of a loan or a silent second
177 mortgage.

178 (b) "Silent second mortgage" means a second mortgage used
179 to secure funds for a down payment for a residential property
180 which is not disclosed to the original mortgage lender before
181 closing occurs.

182 (c) "Unauthorized alien" has the same meaning as in s.
183 908.111.

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

190 (3) If an unauthorized alien is discovered to have received
191 down payment assistance from a state or local governmental
192 entity, the corporation, or a private corporation, the
193 unauthorized alien must immediately repay the down payment
194 assistance to the appropriate entity or corporation. If the
195 unauthorized alien does not repay the down payment assistance,
196 the state or local governmental entity, the corporation, or the
197 private corporation must initiate foreclosure proceedings under
198 chapter 702 against the unauthorized alien.

199 Section 6. Section 420.5088, Florida Statutes, is amended
200 to read:

201 420.5088 Florida Homeownership Assistance Program. ~~There is~~
202 ~~created~~ The Florida Homeownership Assistance Program is created
203 for the purpose of assisting low-income and moderate-income

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

215 (1) For loans made available pursuant to s.

216 420.507(23)(a)1. or 2.:

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

222 (b) Loans must shall be made available for the term of the
223 first mortgage.

224 (c) Loans may not exceed the lesser of 35 percent of the
225 purchase price of the home or the amount necessary to enable the
226 borrower purchaser to meet credit underwriting criteria.

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

228 (a) Availability is limited to nonprofit sponsors or
229 developers who are selected for program participation pursuant
230 to this subsection.

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

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

235 (d) The benefits of making such loans must shall be
236 contractually provided to the persons or families purchasing
237 homes financed under this subsection.

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

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

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

258 (h) The corporation shall provide, by rule, for the
259 establishment of a review committee composed of corporation
260 staff and shall establish, by rule, a scoring system for
261 evaluating and ranking applications submitted for construction

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262 loans under this subsection, including, but not limited to, the
263 following criteria:

264 1. The affordability of the housing proposed to be built.

265 2. The direct benefits of the assistance to the persons who
266 will reside in the proposed housing.

267 3. The demonstrated capacity of the applicant to carry out
268 the proposal, including the experience of the development team.

269 4. The economic feasibility of the proposal.

270 5. The extent to which the applicant demonstrates potential
271 cost savings by combining the benefits of different governmental
272 programs and private initiatives, including the local government
273 contributions and local government comprehensive planning and
274 activities that promote affordable housing.

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

277 7. The provision of homeownership counseling.

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

280 9. The commitment of first mortgage financing for the
281 balance of the construction loan and for the permanent loans to
282 the purchasers of the housing.

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

284 11. The targeting objectives of the corporation which will
285 ensure an equitable distribution of loans between rural and
286 urban areas.

287 12. The extent to which the proposal will further the
288 purposes of this program.

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

290 (j) The review committee established by corporation rule

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

301 (3) The corporation shall publish a notice of fund
302 availability in a publication of general circulation throughout
303 this ~~the~~ state at least 60 days before ~~prior to~~ the anticipated
304 availability of funds.

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

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

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

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

337 420.5096 Florida Hometown Hero Program.—

338 (2) The Florida Hometown Hero Program is created to assist
339 Florida's hometown workforce in attaining homeownership by
340 providing financial assistance to residents to purchase a home
341 as their primary residence. Under the program, a borrower who is
342 lawfully present in the United States may apply to the
343 corporation for a loan to reduce the amount of the down payment
344 and closing costs paid by the borrower by a minimum of \$10,000
345 and up to 5 percent of the first mortgage loan, not exceeding
346 \$35,000. Loans must be made available at a zero percent interest
347 rate and must be made available for the term of the first
348 mortgage. The balance of any loan is due at closing if the

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349 property is sold, refinanced, rented, or transferred, unless
350 otherwise approved by the corporation.

351 (3) For loans made available pursuant to s.

352 420.507(23)(a)1. or 2., the corporation may underwrite and make
353 those mortgage loans through the program to persons or families
354 who are lawfully present in the United States and who have
355 household incomes that do not exceed 150 percent of the state
356 median income or local median income, whichever is greater. A
357 borrower must be seeking to purchase a home as a primary
358 residence; must be a first-time homebuyer, and a Florida
359 resident, and lawfully present in the United States; and must be
360 employed full-time by a Florida-based employer. The borrower
361 must provide documentation of full-time employment or full-time
362 status for self-employed individuals. The requirement to be a
363 first-time homebuyer does not apply to a borrower who is an
364 active duty servicemember of a branch of the armed forces or the
365 Florida National Guard, as defined in s. 250.01, or a veteran.

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

368 440.02 Definitions.—When used in this chapter, unless the
369 context clearly requires otherwise, the following terms shall
370 have the following meanings:

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

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

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

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

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

410

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

414 (c) "Employee" includes:

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

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

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

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

430 (d) "Employee" does not include:

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

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

435 (I) The independent contractor maintains a separate

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436 business with his or her own work facility, truck, equipment,
437 materials, or similar accommodations;

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

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

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

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

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

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

464 (I) The independent contractor performs or agrees to

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465 perform specific services or work for a specific amount of money
466 and controls the means of performing the services or work.

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

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

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

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

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

480 (VII) The success or failure of the independent
481 contractor's business depends on the relationship of business
482 receipts to expenditures.

483 c. Notwithstanding anything to the contrary in this
484 subparagraph, an individual claiming to be an independent
485 contractor has the burden of proving that he or she is an
486 independent contractor for purposes of this chapter.

487 2. A real estate licensee, if that person agrees, in
488 writing, to perform for remuneration solely by way of
489 commission.

490 3. Bands, orchestras, and musical and theatrical
491 performers, including disk jockeys, performing in licensed
492 premises as defined in chapter 562, if a written contract
493 evidencing an independent contractor relationship is entered

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494 into before the commencement of such entertainment.

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

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

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

518 a. Persons who serve in private nonprofit agencies and who
519 receive no compensation other than expenses in an amount less
520 than or equivalent to the standard mileage and per diem expenses
521 provided to salaried employees in the same agency or, if such
522 agency does not have salaried employees who receive mileage and

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523 per diem, then such volunteers who receive no compensation other
524 than expenses in an amount less than or equivalent to the
525 customary mileage and per diem paid to salaried workers in the
526 community as determined by the department; and

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

529 7. Unless otherwise prohibited by this chapter, any officer
530 of a corporation who elects to be exempt from this chapter. Such
531 officer is not an employee for any reason under this chapter
532 until the notice of revocation of election filed pursuant to s.
533 440.05 is effective.

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

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

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

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

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

567 443.1216(4)(d) and served by Adult Day Training Services under
568 the Home and Community-Based or the Family and Supported Living
569 Medicaid Waiver program in a sheltered workshop setting licensed
570 by the United States Department of Labor for the purpose of
571 training and earning less than the federal hourly minimum wage.

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

574 443.1216(4)(d) and served by Adult Day Training Services under
575 the Family and Supported Living Medicaid Waiver program in a
576 sheltered workshop setting licensed by the United States
577 Department of Labor for the purpose of training and earning less
578 than the federal hourly minimum wage.

579 14. An unauthorized alien as defined in s. 908.111.

580 Section 9. Subsection (2) of section 440.10, Florida

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581 Statutes, is amended to read:

582 440.10 Liability for compensation.—

583 (2) Compensation shall be payable irrespective of fault as
584 a cause for the injury, except as provided in ss. 440.09(3) and
585 440.1001 s. 440.09(3).

586 Section 10. Section 440.1001, Florida Statutes, is created
587 to read:

588 440.1001 Employer liability for injuries to unauthorized
589 aliens.—

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

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

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

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

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

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

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610 (c) Revocation of the employer's business license,
611 registration, or certification issued by the appropriate
612 licensing authority.

613 (5) The department shall transfer reported violations of
614 this section to the appropriate licensing authority for
615 enforcement.

616 Section 11. Section 440.1002, Florida Statutes, is created
617 to read:

618 440.1002 Employment eligibility for purposes of workers'
619 compensation eligibility.-

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

622 (2) Before an employer may submit a claim for workers'
623 compensation benefits for an employee, the employer must first
624 verify the employee's employment eligibility through the E-
625 Verify system.

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

629 (a) Ineligible to receive indemnity or medical coverage
630 from the employer's workers' compensation insurance provider for
631 injuries sustained by that employee.

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

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

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

642 (6) The department may adopt rules to implement and enforce
643 this section.

644 Section 12. Present subsection (5) of section 448.09,
645 Florida Statutes, is redesignated as subsection (9), new
646 subsections (4) through (8) are added to that section, and
647 subsections (3) and (4) of that section are amended, to read:

648 448.09 Unauthorized aliens; employment prohibited.—

649 (3) For an employer who knowingly violates a violation of
650 this section, the department shall suspend for 1 year all
651 licenses held by the employer which were issued by a licensing
652 agency under chapter 120 and impose a fine not to exceed \$10,000
653 per violation. Fines collected under this subsection must be
654 deposited into the State Economic Enhancement and Development
655 Trust Fund.

656 (4) For an employer who knowingly violates this section a
657 second time, the department shall suspend for 5 years all
658 licenses held by the employer which were issued by a licensing
659 agency under chapter 120 and impose a fine not to exceed
660 \$100,000 per violation. Fines collected under this subsection
661 must be deposited into the State Economic Enhancement and
662 Development Trust Fund.

663 (5) For an employer who knowingly violates this section a
664 third time, the department shall permanently revoke all licenses
665 held by the employer personally, as well as any licenses held by
666 the entity if the employer is a corporation, which were issued
667 by a licensing agency under chapter 120 and impose a fine not to

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668 exceed \$250,000 per violation. Fines collected under this
669 subsection must be deposited into the State Economic Enhancement
670 and Development Trust Fund.

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

677 (b) For an employer who knowingly violates this section and
678 the actions of an unauthorized alien employee result in the
679 death of another person, the department shall permanently revoke
680 all licenses held by the employer which were issued by a
681 licensing agency under chapter 120 and impose a fine not to
682 exceed \$500,000 per violation.

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

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

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

695 (8) A person who is injured or the next of kin, as defined
696 in s. 744.102, of a person who is killed by the actions of an

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697 unauthorized alien employee may bring a cause of action under
698 subsection (6) against the employer for damages for bodily
699 injury or death place the employer on probation for a 1-year
700 period and require that the employer report quarterly to the
701 department to demonstrate compliance with the requirements of
702 subsection (1) and s. 448.095.

703 ~~(4) Any violation of this section which takes place within~~
704 ~~24 months after a previous violation constitutes grounds for the~~
705 ~~suspension or revocation of all licenses issued by a licensing~~
706 ~~agency subject to chapter 120. The department shall take the~~
707 ~~following actions for a violation involving:~~

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

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

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

717 Section 13. Paragraph (a) of subsection (3) of section
718 448.095, Florida Statutes, is amended to read:

719 448.095 Employment eligibility.—

720 (3) ENFORCEMENT.—

721 (a) For the purpose of enforcement of this section, any of
722 the following persons or entities may request, and an employer
723 must provide, copies of any documentation relied upon by the
724 employer for the verification of a new employee's employment
725 eligibility:

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726 1. The Department of Law Enforcement;
727 2. The Attorney General;
728 3. The state attorney in the circuit in which the new
729 employee works;
730 4. The statewide prosecutor;
731 5. The Department of Financial Services; or
732 6.5. The Department of Commerce.

733 Section 14. Subsection (7) is added to section 560.208,
734 Florida Statutes, to read:

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

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

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

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

753 (c) A licensee who initiates a foreign remittance transfer
754 in violation of this subsection shall pay a penalty equal to 25

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755 percent of the United States dollar amount transferred,
756 excluding any fees or charges imposed by the licensee. A
757 licensee must remit to the office the amount of any penalty
758 owed, along with any forms prescribed by the office, by the 15th
759 of the month after the close of each calendar quarter.
760 Notwithstanding ss. 252.3711 and 560.144, the office shall
761 deposit in the Regulatory Trust Fund the penalties collected
762 under this paragraph. Notwithstanding any other provision, the
763 penalty imposed in this paragraph is the only remedy for a
764 violation of this subsection and a licensee may not be subject
765 to any other penalty.

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

770 560.211 Required records.—

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

775 (i) The documentation used to verify that the sender of a
776 foreign remittance transfer, as defined in s. 560.208(7)(a), is
777 not an unauthorized alien, as defined in s. 908.111, and the
778 penalties paid to the office pursuant to s. 560.208(7)(c),
779 including the date and amount of each foreign remittance
780 transfer and the name, date of birth, and address of each
781 sender.

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

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784 560.2115 Required records audit.—

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

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

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

789 908.111.

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

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

797 (b) Upon receipt of a valid complaint of a violation of s.
798 560.208(7), which is substantiated by evidence, the office must
799 notify the licensee of the complaint and the substantiating
800 evidence and the licensee must pay the penalty required under s.
801 560.208(7)(c).

802 (4) Beginning July 1, 2026, the office shall conduct random
803 quarterly audits of licensees to ensure compliance with s.
804 560.208(7). During an audit, the licensee must produce to the
805 office records of documentation the licensee used to verify that
806 each sender of a foreign remittance transfer is not an
807 unauthorized alien.

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

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

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813 560.310 Records of check cashers and foreign currency
814 exchangers.—

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

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

821 (b) A copy of the personal identification that bears a
822 photograph of the customer used as identification and presented
823 by the customer. Acceptable personal identification is limited
824 to a valid driver license; a state identification card issued by
825 any state of the United States or its territories or the
826 District of Columbia, and showing a photograph and signature; a
827 United States Government Resident Alien Identification Card; a
828 passport; or a United States Military identification card. The
829 following may not be used as a form of personal identification:

830 1. A license or identification card issued exclusively to
831 an unauthorized alien or undocumented immigrant.

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

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

840 (d) The office shall, at a minimum, require licensees to
841 submit the following information to the check cashing database

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842 or electronic log, before entering into each check cashing
843 transaction for each payment instrument being cashed, in such
844 format as required by rule:

845 1. Transaction date.

846 2. Payor name as displayed on the payment instrument.

847 3. Payee name as displayed on the payment instrument.

848 4. Conductor name, if different from the payee name.

849 5. Amount of the payment instrument.

850 6. Amount of currency provided.

851 7. Type of payment instrument, which may include personal,
852 payroll, government, corporate, third-party, or another type of
853 instrument.

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

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

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

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

862 12. Such additional information as required by rule.

863
864 For purposes of this subsection, multiple payment instruments
865 accepted from any one person on any given day which total \$1,000
866 or more must be aggregated and reported in the check cashing
867 database or on the log.

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

870 627.7408 Presumption of fault in motor vehicle accidents

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871 involving unauthorized out-of-state drivers.—

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

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

875 (b) "Unauthorized out-of-state driver" means a person
876 operating a vehicle who has an invalid out-of-state driver
877 license.

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

885 (3) The presumption under subsection (2) does not apply in
886 the following circumstances:

887 (a) The other driver involved in the motor vehicle accident
888 is in violation of s. 316.193(1) because he or she is found to
889 have been operating the motor vehicle while under the influence
890 of alcoholic beverages, any chemical substance under s. 877.111,
891 or any controlled substance under chapter 893.

892 (b) The other driver involved in the motor vehicle accident
893 is determined, by clear and convincing evidence, to be at
894 egregious fault because of, but not limited to, reckless driving
895 in violation of s. 316.192, leaving the scene of an accident in
896 violation of s. 316.027, or racing on highways in violation of
897 s. 316.191.

898 (4) The presumption established under subsection (2) may be
899 rebutted by clear and convincing evidence that the unauthorized

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900 out-of-state driver was not at fault based on factors such as
901 witness statements, accident reconstruction, or video evidence
902 directly related to the circumstances of the motor vehicle
903 accident.

904 (5) Upon investigation of a motor vehicle accident, a law
905 enforcement officer, as defined in s. 943.10(1), must verify
906 whether any person involved in the motor vehicle accident is an
907 unauthorized out-of-state driver or has an invalid out-of-state
908 driver license in violation of s. 322.033. If a driver is
909 determined to be in violation of s. 322.033 and he or she does
910 not qualify for an exemption under subsection (3), the law
911 enforcement officer must note the presumption of fault on the
912 Florida Traffic Crash Report, Long Form or short-form crash
913 report under s. 316.066, as applicable, and notify the
914 Department of Highway Safety and Motor Vehicles within 48 hours
915 after the accident.

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

925 (7) If an unauthorized out-of-state-driver's insurer is a
926 foreign insurer as defined in s. 624.06(2) and not licensed in
927 this state under chapter 624, any party aggrieved by the
928 nonenforcement of this section may bring a civil action for

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929 injunctive relief and the prevailing party is entitled to
930 reasonable attorney fees and costs.

931 (8) The Department of Highway Safety and Motor Vehicles and
932 the Office of Insurance Regulation shall adopt rules to
933 implement this section, including standardized verification
934 forms and procedures for interagency coordination.

935 (9) (a) This section applies to all insurance policies
936 issued or renewed on or after the effective date of this act and
937 to all motor vehicle accidents occurring on or after the
938 effective date of this act.

939 (b) This section may not be construed to interfere with or
940 limit a law enforcement officer's authority delegated under a
941 287(g) agreement with United States Immigration and Customs
942 Enforcement.

943 Section 19. Section 655.98, Florida Statutes, is created to
944 read:

945 655.98 Prohibited forms of identification for state-
946 chartered financial institutions.—

947 (1) A state-chartered financial institution may not accept
948 any of the following as a form of identification for the purpose
949 of opening a deposit account, loan account, or safe deposit box
950 or to receive any other services from a state-chartered
951 financial institution:

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

954 (b) A license or identification card that is substantially
955 the same as a license or identification card issued to a United
956 States citizen or resident or others lawfully present in the
957 United States but which has markings establishing that the

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958 licenseholder did not present proof of his or her lawful
959 presence in the United States.

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

962 Section 20. The Division of Law Revision is directed to
963 replace the phrase "the effective date of this act" wherever it
964 occurs in this act with the date this act becomes a law.

965 Section 21. This act shall take effect upon becoming a law.