

1                   A bill to be entitled  
2           An act relating to earned wage access services;  
3           creating s. 437.01, F.S.; providing a short title;  
4           creating s. 437.02, F.S.; providing definitions;  
5           creating s. 437.03, F.S.; requiring providers to  
6           register with the Financial Services Commission;  
7           providing registration requirements; requiring a  
8           provider to display its registration certificate;  
9           providing for renewal of such certificate; providing  
10          requirements with which a provider must comply;  
11          specifying mechanisms by which registrations may be  
12          denied, not renewed, or revoked; requiring the  
13          commission to deny, refuse to renew, or revoke a  
14          registration certificate under certain circumstances;  
15          creating s. 437.04, F.S.; providing requirements with  
16          which a provider must comply; prohibiting certain acts  
17          by a provider; creating s. 437.05, F.S.; providing  
18          construction and applicability; creating s. 437.06,  
19          F.S.; providing administrative penalties; authorizing  
20          the Financial Services Commission to adopt rules;  
21          requiring the commission, by a date certain, to  
22          prescribe the form and content of an application for  
23          registration; authorizing a person who previously  
24          provided earned wage access services to continue for a  
25          specified time without registering under certain

26 conditions; specifying applicability; providing  
 27 effective dates.

28

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

30

31 **Section 1. Section 437.01, Florida Statutes, is created to**  
 32 **read:**

33 437.01 Short title.—This chapter may be cited as the  
 34 "Florida Earned Wage Access Services Act."

35 **Section 2. Section 437.02, Florida Statutes, is created to**  
 36 **read:**

37 437.02 Definitions.—As used in this chapter, the term:

38 (1) "Business entity" means a corporation, a limited  
 39 liability company, a partnership, an association, or any other  
 40 commercial entity.

41 (2) "Commission" means the Financial Services Commission  
 42 created by s. 20.121(3).

43 (3) "Consumer" means a person who resides in this state.

44 (4) "Consumer-directed earned wage access services" means  
 45 the business of delivering to consumers access to earned but  
 46 unpaid income that is based on the consumer's representations  
 47 and the provider's reasonable determination of the consumer's  
 48 earned but unpaid income.

49 (5) "Director" means a person on the provider's board of  
 50 directors.

51       (6) "Earned but unpaid income" means salary, wages,  
52 compensation, or other income that a consumer or an employer has  
53 represented, and that a provider has reasonably determined has  
54 been earned or accrued to the benefit of the consumer, in  
55 exchange for the consumer's provision of services to the  
56 employer or on behalf of the employer, including on an hourly  
57 basis, a project-based basis, a piecework basis, or any other  
58 basis and including circumstances in which the consumer is  
59 acting as an independent contractor of the employer, but has  
60 not, at the time of the payment of proceeds, been paid to the  
61 consumer by the employer.

62       (7) "Earned wage access services" means the business of  
63 providing consumer-directed earned wage access services or  
64 employer-integrated earned wage access services, or both.

65       (8) (a) "Employer," except as provided in paragraph (b),  
66 means either of the following:

67           1. A person who employs a consumer.

68           2. A person who is contractually obligated to pay a  
69 consumer earned but unpaid income in exchange for the consumer's  
70 provision of services to the employer or on behalf of the  
71 employer, including working on an hourly basis, a project-based  
72 basis, a piecework basis, or any other basis, including  
73 circumstances in which the consumer is acting as an independent  
74 contractor of the employer.

75       (b) The term does not include the following:

- 76       1. A customer of an employer.
- 77       2. Any other person whose obligation to make a payment of  
 78 salary, wages, compensation, or other income to a consumer is  
 79 not based on the provision of services by that consumer for or  
 80 on behalf of the person.
- 81       (9) "Employer-integrated earned wage access services"  
 82 means the business of delivering to consumers access to earned  
 83 but unpaid income that is based on employment, income, or  
 84 attendance data obtained directly or indirectly from an  
 85 employer.
- 86       (10) "Fee" means a payment imposed by a provider for  
 87 delivery or expected delivery of proceeds to a consumer or a  
 88 subscription or membership payment imposed by a provider for a  
 89 bona fide group of services that includes earned wage access  
 90 services. The term does not include a voluntary tip, gratuity,  
 91 or other donation.
- 92       (11) "Key officer" means the chief executive officer,  
 93 chief financial officer, or chief compliance officer of a  
 94 business entity.
- 95       (12) "Member" means a person who has the right to receive  
 96 upon dissolution, or who has contributed, 10 percent or more of  
 97 the capital of a provider that is organized as a limited  
 98 liability company.
- 99       (13) "Outstanding proceeds" means proceeds remitted to a  
 100 consumer by a provider which have not yet been repaid to the

101 provider.

102 (14) "Partner" means a person who has the right to receive  
 103 upon dissolution, or has contributed, 10 percent or more of the  
 104 capital of a provider that is organized as a partnership.

105 (15) "Proceeds" means a payment to a consumer by a  
 106 provider which is based on earned but unpaid income.

107 (16) "Provider" means a business entity that is in the  
 108 business of providing earned wage access services to consumers.

109 The term does not include:

110 (a) A service provider, such as a payroll service  
 111 provider, whose role may include verifying available earnings  
 112 but that is not contractually obligated to fund proceeds as part  
 113 of an earned wage access service; or

114 (b) An employer that offers to provide a portion of  
 115 salary, wages, or other compensation before the normally  
 116 scheduled pay date.

117 **Section 3. Section 437.03, Florida Statutes, is created to**  
 118 **read:**

119 437.03 Registration and certificate renewal.—

120 (1) Each provider must register with the commission by  
 121 submitting all of the following information:

122 (a) The provider's legal business name, trade name,  
 123 mailing address, and business locations.

124 (b) The full names and mailing addresses of the provider's  
 125 partners, members, directors, or key officers and the designated

126 agent for service of process for the business entity.

127 (c) A statement documenting whether the provider is a  
128 domestic or foreign business entity.

129 (d) The name of the state in which and the date on which  
130 the business entity was formed or incorporated. If applicable,  
131 the business entity must provide its charter number and, if a  
132 foreign corporation, the date it registered with the Department  
133 of State.

134 (e) If the provider operates under a fictitious name, the  
135 date on which the provider registered its fictitious name with  
136 the Department of State.

137 (2) The commission shall issue a certificate evidencing  
138 proof of registration, which the provider must prominently  
139 display at its primary place of business. If the provider  
140 conducts business through a website, the provider must post a  
141 copy of its certificate or provide its registration number on  
142 the website.

143 (3) A provider must renew its certificate biennially on or  
144 before the expiration date. The commission may extend the  
145 expiration date of a provider's certificate for up to 1 year in  
146 order to establish staggered expiration dates.

147 (4) A certificate issued under this chapter is not  
148 assignable, and the provider may not conduct business under more  
149 than one name, unless such name is registered. A provider must  
150 notify the commission if the provider changes its registered

151 name, location, or designated agent for service of process.

152 (5) The commission may deny, refuse to renew, or revoke  
153 the certificate of any provider based upon a determination that  
154 the provider, or any of the provider's partners, members,  
155 directors, or key officers, has:

156 (a) Failed to meet the requirements for registration as  
157 provided in this chapter;

158 (b) Been convicted of a crime involving fraud, dishonest  
159 dealing, or any other act of moral turpitude;

160 (c) Not satisfied a civil fine or penalty arising out of  
161 an administrative or enforcement action brought by a  
162 governmental agency or private person based upon conduct  
163 involving fraud, dishonest dealing, an act of moral turpitude,  
164 or a violation of this chapter which has not been satisfied;

165 (d) Pending against it any criminal, administrative, or  
166 enforcement proceeding based upon conduct involving fraud,  
167 dishonest dealing, or any other act of moral turpitude in any  
168 jurisdiction; or

169 (e) Had a judgment entered against it in an action brought  
170 by the commission or the Department of Legal Affairs under this  
171 chapter or the Florida Deceptive and Unfair Trade Practices Act.

172 (6) The commission must deny, refuse to renew, or revoke  
173 the certificate of a provider or deny a registration or renewal  
174 request by any of the provider's partners, members, directors,  
175 or key officers if the provider has not satisfied a civil

176 penalty or administrative fine imposed for a violation of s.  
177 437.04.

178 **Section 4. Section 437.04, Florida Statutes, is created to**  
179 **read:**

180 437.04 Provider requirements and prohibitions.-

181 (1) A provider registered under s. 437.03 must do all of  
182 the following:

183 (a) Develop and implement policies and procedures to  
184 respond to questions raised by consumers and to address  
185 complaints from consumers in an expedient manner.

186 (b) If the provider offers a consumer the option to  
187 receive proceeds for a fee or solicits a tip, gratuity, or other  
188 donation, it must offer the consumer at least one reasonable  
189 option to obtain proceeds at no cost to the consumer and clearly  
190 explain how to elect the no-cost option.

191 (c) Before entering into an agreement with a consumer for  
192 the provision of earned wage access services:

193 1. Inform the consumer of his or her rights under the  
194 agreement.

195 2. Clearly disclose all fees associated with the earned  
196 wage access services.

197 (d) Inform the consumer of any material changes to the  
198 terms and conditions of the earned wage access services before  
199 implementing such changes for that consumer.

200 (e) Allow the consumer to cancel use of the provider's



201 earned wage access services at any time without incurring a  
202 cancellation fee imposed by the provider.

203 (f) Comply with all applicable local, state, and federal  
204 privacy and information security laws.

205 (g) If a provider solicits, charges, or receives a tip,  
206 gratuity, or other donation from a consumer, the provider must  
207 do the following:

208 1. Clearly and conspicuously disclose to the consumer  
209 immediately before each transaction that a tip, gratuity, or  
210 other donation amount may be zero and is voluntary.

211 2. Clearly and conspicuously disclose in its service  
212 agreement with the consumer that tips, gratuities, or donations  
213 are voluntary and that the offering of earned wage access  
214 services, including the amount of proceeds a consumer is  
215 eligible to request and the frequency with which proceeds are  
216 provided to a consumer, is not contingent on whether the  
217 consumer pays the tip, gratuity, or other donation, or on the  
218 size of the tip, gratuity, or other donation.

219 (h) Provide proceeds to a consumer by any means mutually  
220 agreed upon by the consumer and the provider.

221 (i) If the provider seeks from a consumer's depository  
222 institution, including by means of electronic funds transfer,  
223 repayment of outstanding proceeds or payment of fees or other  
224 amounts owed or paid, including voluntary tips, gratuities, or  
225 other donations, in connection with the activities covered under

226 this chapter, the provider must:

227 1. Comply with applicable provisions of the federal  
228 Electronic Funds Transfer Act of 1978, 15 U.S.C. ss. 1693 et  
229 seq., and regulations adopted under the act.

230 2. Reimburse the consumer for the full amount of any  
231 overdraft or insufficient funds fees imposed on a consumer by  
232 the consumer's depository institution which were caused by the  
233 provider attempting to seek payment of any outstanding proceeds,  
234 fees, or other payments, including voluntary tips, gratuities,  
235 or other donations, in connection with the activities covered by  
236 this chapter on a date before, or in an incorrect amount from,  
237 the date or amount disclosed to the consumer. This subparagraph  
238 does not apply to payments of outstanding amounts or fees  
239 incurred by a consumer through fraudulent or other unlawful  
240 means.

241 (2) A provider registered under s. 437.03 may not do any  
242 of the following:

243 (a) Share with an employer a portion of any fees or  
244 voluntary tips, gratuities, or other donations that were  
245 received from or charged to a consumer for earned wage access  
246 services.

247 (b) Require a consumer's credit report or a credit score  
248 provided or issued by a consumer reporting agency to determine a  
249 consumer's eligibility for earned wage access services.

250 (c) Accept payment of outstanding proceeds; fees; or

251 voluntary tips, gratuities, or other donations from a consumer  
252 by means of a credit card, charge card, or debit card.

253 (d) Charge a late fee, a deferral fee, interest, or any  
254 other penalty or charge for the failure to pay outstanding  
255 proceeds; fees; or voluntary tips, gratuities, or other  
256 donations.

257 (e) Report to a consumer reporting agency or debt  
258 collector any information about a consumer regarding the  
259 inability of the consumer to repay outstanding proceeds; fees;  
260 or voluntary tips, gratuities, or other donations.

261 (f)1. Compel or attempt to compel a consumer to pay any  
262 outstanding proceeds; fees; or voluntary tips, gratuities, or  
263 other donations to the provider through any of the following  
264 means:

265 a. A lawsuit against the consumer in a court of competent  
266 jurisdiction.

267 b. Use of a third party to pursue collection from the  
268 consumer on the provider's behalf.

269 c. The sale of outstanding amounts to a third-party  
270 collector or debt buyer to pursue collection from the consumer.

271 2. This paragraph does not preclude a provider from  
272 compelling the payment of outstanding proceeds or fees incurred  
273 by a consumer through fraudulent or other unlawful means or  
274 pursuing an employer for breach of its contractual obligations  
275 to the provider.

276 (g) Mislead or deceive the consumer about the voluntary  
277 nature of any tips, gratuities, or other donations the provider  
278 solicits, charges, or receives or make representations that  
279 tips, gratuities, or other donations will benefit a specific  
280 person.

281 (3) A provider may use the mailing address provided by a  
282 consumer to determine the consumer's state of residence for  
283 purposes of this chapter.

284 **Section 5. Section 437.05, Florida Statutes, is created to**  
285 **read:**

286 437.05 Construction; applicability.-

287 (1) (a) Notwithstanding any other law to the contrary,  
288 earned wage access services offered or provided by a provider in  
289 compliance with this chapter are not considered any of the  
290 following:

291 1. A violation of or noncompliance with s. 516.17 or any  
292 other state law governing deductions from payroll, salary,  
293 wages, compensation, or other income or the purchase, sale or  
294 assignment of, or an order for, earned but unpaid income.

295 2. A loan or other form of credit or debit, and the  
296 provider is not considered a creditor, debt collector, or lender  
297 with respect thereto.

298 3. A money transmission and the provider is not considered  
299 a money transmitter as defined in s. 560.103.

300 (b) Notwithstanding any other law to the contrary, fees

301 paid to a provider in accordance with this chapter are not  
 302 considered interest or finance charges.

303 (2) Chapter 516 does not apply to proceeds paid to a  
 304 consumer in accordance with this chapter.

305 (3) A voluntary tip, gratuity, or other donation paid by a  
 306 consumer to a provider in accordance with this chapter is not  
 307 considered a finance charge.

308 (4) If there is a conflict between this chapter and any  
 309 other state law, this chapter prevails.

310 **Section 6. Section 437.06, Florida Statutes, is created to**  
 311 **read:**

312 437.06 Administrative penalties.—

313 (1) If the commission finds that a provider has violated  
 314 this chapter or any rules adopted or orders issued under this  
 315 chapter, the commission may enter an administrative order doing  
 316 one or more of the following:

317 (a) Issue a notice of noncompliance pursuant to s.  
 318 120.695.

319 (b) Impose an administrative fine in the Class II category  
 320 pursuant to s. 570.971 for each act or omission.

321 (c) Direct the provider to cease and desist activities  
 322 specified by the commission.

323 (d) Refuse to renew, revoke, or suspend the provider's  
 324 certificate.

325 (e) Place the provider on probation, subject to conditions

326 specified by the commission.

327 (2) An administrative proceeding that could result in the  
328 entry of an order imposing any of the penalties specified in  
329 this section are governed by chapter 120.

330 **Section 7.** Upon this act becoming law, the Financial  
331 Services Commission is authorized, and all conditions are deemed  
332 met, to adopt rules pursuant to ss. 120.536(1) and 120.54,  
333 Florida Statutes. By January 1, 2026, the Financial Services  
334 Commission must prescribe the form and content for an  
335 application for registration to provide earned wage access  
336 services pursuant to this act.

337 **Section 8.** A person who was engaged in the business of  
338 providing earned wage access services in this state on or before  
339 January 1, 2025, may continue to engage in the business of  
340 providing earned wage access services without registering until  
341 July 1, 2026, if the person has submitted an application for  
342 registration and otherwise complies with this act.

343 **Section 9.** Section 437.04(1)(b) and (h), Florida Statutes,  
344 as created by this act, first applies, with respect to a  
345 provider that offers proceeds to a consumer under the terms of  
346 an agreement that specifies the consumer's cost of obtaining  
347 proceeds, to any agreement entered into, renewed, or modified on  
348 or after January 1, 2026.

349 **Section 10.** Except as otherwise expressly provided in this  
350 act and except for this section, which shall take effect upon

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351 | this act becoming a law, this act shall take effect January 1,  
352 | 2026.