

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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**BILL #:** [CS/CS/HB 1311](#)

**TITLE:** Legal Tender

**SPONSOR(S):** Bankson

**COMPANION BILL:** [SB 1588](#) (Gruters)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 108 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill ratifies rules promulgated by the Department of Financial Services and the Office of Financial Regulation in order for HB 999 (2025), which designates qualifying gold and silver coin as legal tender, to take effect. The bill repeals section 18 of ch. 2025-100, Laws of Florida, which repeals the provisions of HB 999 (2025) if the rules are not ratified.

### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

#### [Rule ratification pursuant to HB 999 \(2025\)](#)

The bill ratifies rules promulgated by the Department of Financial Services (“[DFS](#)”) and the Office of Financial Regulation (“[OFR](#)”), as required by HB 999 (2025) in order for the provisions of HB 999 (2025) to take effect. (Section [1](#)).

The rules are described below:

- 69C-2.004–Definitions:
  - Defines “custodian of gold coin or silver coin” to have the same meaning as under Florida Statutes.
  - Defines “deposit or share insurance” as insurance afforded by either the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.
- 69C-2.005–Designation of a [Qualified Public Depository](#):
  - Clarifies that custodians of gold or silver coin do not have to maintain deposit or share insurance to become a qualified public depository and instead have to maintain an all-risk insurance policy.<sup>1</sup>
  - Amends the qualified public depository application and contingent liability agreement forms to include gold and silver coin.
- 69C-2.016–Financial Information Reports by a Qualified Public Depository:
  - Amends the qualified public depository report forms to include gold and silver coin.
- 69C-2.022–Requirements of Public Depositors:
  - Amends the public deposit identification and acknowledgment form to include gold and silver coin.
- 69C-2.026–Administration of Payment of Losses:
  - Amends the public deposit claim form and agreement to include gold and silver coin.

<sup>1</sup> Instead of maintaining deposit or share insurance, custodians of gold or silver coin must maintain insurance covering 100 percent of the full replacement value of the stored gold or silver coin under an all-risk insurance policy for loss, theft, damage, and employee dishonesty by an authorized insurer or eligible surplus lines insurer. Ss. [280.21](#) and [560.214\(1\)\(i\), F.S.](#)

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- 69C-2.034–Disqualification, Suspension, and Administrative Penalty:
  - Provides that when determining the appropriate disciplinary action for a qualified public depository, the Chief Financial Officer will consider the violations of any Florida law or rule.
- 69C-2.035–[Custodians of Gold Coin or Silver Coin](#):
  - Provides that a qualified public depository that is a custodian of gold or silver coin may not hold public deposits other than gold or silver coin, unless they have deposit or share insurance.
- 69U-100.097–Gold Coin or Silver Coin Deposits:
  - Provides requirements for any [financial institution](#) that intends to accept gold or silver coin deposits or otherwise hold it on behalf of its customers, members, or the public.
- 69V-560.1000–Disciplinary Guidelines:
  - Creates disciplinary guidelines for [money services businesses](#) related to gold or silver coin, such as imposing fines and suspending licenses for violations.<sup>2</sup>
- 69V-560.1012–Adoption of Forms:
  - Amends the money services business license application and quarterly report forms to incorporate gold and silver coin.
  - Creates a gold and silver coin disclosure form for money services businesses that must be provided to customers before the purchase of a product or service related to gold or silver coin.
- 69V-560.102–Application or Appointment Procedures and Requirements:
  - Provides that an applicant for a money services business license who intends to engage in conduct as a custodian of gold coin or silver coin is required to be examined by OFR prior to licensure.
  - Establishes procedures for examination and requires applicants to agree to schedule an examination within sixty days after notification by OFR that the applicant is ready for examination.
  - Provides that a material change<sup>3</sup> to a money services business application includes changes to whether the applicant intends to offer services related to gold or silver coin.
  - Requires licensed money services businesses who wish to become custodians of gold or silver coin to file a new money services business license application with OFR as well as a notice of termination of licensure, which is effective upon disposition of the new application by OFR.
- 69V-560.7032–Records to Be Maintained when Engaged in Transactions Involving Gold and Silver Coin:
  - Requires money services businesses that transmit, store, exchange, or accept payments in gold or silver coin to maintain and make available various records to OFR.
- 69V-560.7033–Gold Coin and Silver Coin Disclosures:
  - Requires money services businesses to make specific disclosures available to a customer before the customer purchases or uses a service or product related to gold or silver coin.
- 69V-560.7034–Accredited Refiner or Wholesaler of Gold Coin or Silver Coin:
  - Provides that an accredited refiner or wholesaler of gold coin or silver coin means a person who has received accreditation by the London Bullion Market Association (“LBMA”).<sup>4</sup>
- 69V-560.7035–Chain of Custody Related to Gold or Silver Coin:

<sup>2</sup> The disciplinary guidelines can be found here, [Disciplinary Guidelines](#) (last visited Jan. 23, 2026).

<sup>3</sup> Requests to make material changes to applications for a money services business license are grounds for denial and a new application will be required. Rule 69V-560.102(6), F.A.C.

<sup>4</sup> LBMA is an international trade association representing the gold and silver bullion market. LBMA sets standards for trading precious metals. LBMA, *About Us*, <https://www.lbma.org.uk/about-us/about-the-lbma> (Last visited Jan. 26, 2026).

- Creates chain of custody requirements for money services businesses for gold and silver coin, such as requiring documentation and maintenance of information on the owners, sellers, buyers, shippers and/or deliverers of gold and silver coin as well as details relating to the coin.
- 69V-560.7036–Rapid Response Time by Law Enforcement:
  - Provides criteria for determining whether a custodian of gold and silver coin is located in a manner that enables rapid response time by law enforcement. (Section [1](#)).

#### [Repeal of Section 18 of ch. 2025-100, Laws of Fla.](#)

The bill repeals Section 18 of ch. 2025-100, Laws of Fla. which provides that the provisions of HB 999 (2025) will be repealed on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature after ratification of the required rules. (Section [2](#)).

#### Effective date

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law. (Section [3](#)).

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

##### PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on the private sector, to the extent that HB 999 (2025) creates a market for gold and silver coin recognized as legal tender.

#### **RELEVANT INFORMATION**

##### **SUBJECT OVERVIEW:**

##### **Financial Services Regulatory Bodies in Florida**

Florida’s financial regulatory framework includes the Department of Financial Services (“DFS”), the Office of Financial Regulation (“OFR”), and the Financial Services Commission (“FSC”).

[DFS](#) is responsible for issuing various licenses under its divisions and collecting licensing application and renewal fees. DFS consists of the following divisions:

- The Division of Accounting and Auditing.
- The Division of Consumer Services.
- The Division of Funeral, Cemetery, and Consumer Services.
- The Division of Insurance Agent and Agency Services.
- The Division of Criminal Investigations.
- The Division of Rehabilitation and Liquidation.
- The Division of Risk Management.
- The Division of State Fire Marshal.
- The Division of Treasury.
- The Division of Unclaimed Property.
- The Division of Workers’ Compensation.
- The Division of Administration.
- The Office of Insurance Consumer Advocate.<sup>5</sup>

<sup>5</sup> [S. 20.121, F.S.](#)

The Chief Financial Officer (“CFO”) is the head of DFS, and serves as the chief fiscal officer of the state, responsible for settling and approving all accounts against the state and keeping all state funds and securities.<sup>6</sup> The CFO oversees the state’s accounting, auditing, and investment functions.<sup>7</sup>

[OFR](#) is responsible for overseeing and licensing financial institutions, money services businesses, securities firms, and mortgage entities.<sup>8</sup> FSC, composed of the Governor and Cabinet, serves as the rulemaking body for OFR and provides overall policy direction.<sup>9</sup> OFR operates under the policy direction of FSC and enforces state financial laws and regulations.

Together, these entities are responsible for implementing and enforcing Florida’s financial regulatory laws.

#### Legal Tender under Federal and State Law

Article I, Section 10, Clause 1 of the United States Constitution, prohibits states from coining money but permits them to “make gold and silver coin a tender in payment of debts.”<sup>10</sup> This provision authorizes states to recognize gold and silver coin as legal tender for the payment of debts and taxes but prohibits states from creating or issuing their own currencies or recognizing other forms of money as tender.<sup>11</sup>

Article I, Section 8, Clause 5 of the U.S. Constitution grants Congress the exclusive power to coin money and regulate its value.<sup>12</sup> However, Congress has not preempted state authority to recognize specie<sup>13</sup> as legal tender for state and private transactions.

Under 31 U.S.C. § 5103, only United States coins and currency (including Federal Reserve notes) are recognized as legal tender for the payment of debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts under federal law, though they may be lawfully bought, sold, and owned as commodities or investment assets.<sup>14</sup> However, a state may choose to recognize gold and silver coins as legal tender within its jurisdiction, though such coins would not have national legal tender status.

#### HB 999 (2025)

House Bill 999 (2025) (“HB 999”), which designates gold and silver coins as legal tender, passed the Legislature during the 2025 legislative session and was approved by the Governor on May 27, 2025. HB 999 required the CFO and the FSC to adopt implementing rules by November 1, 2025, and required DFS and OFR to submit said rules as part of a joint report to the Governor and Legislature by November 1, 2025. HB 999 required the report to include implementation plans and any concerns or recommendations for additional legislation.<sup>15</sup>

HB 999 provided that the rules adopted by the CFO and the FSC will not take effect unless ratified by the Legislature. The provisions requiring rule adoption and submission of a joint report took effect upon HB 999 becoming law. The remaining provisions of HB 999 are scheduled to take effect on July 1, 2026, subject to rule ratification. [Section 18 of Chapter 2025-100, Laws of Fla.](#) provides that if the Legislature does not ratify the rules, the provisions of HB 999 will be repealed on June 30, 2026.<sup>16</sup>

<sup>6</sup> Section 4(c), Art. IV, Florida Constitution; [S. 17.001, F.S.](#)

<sup>7</sup> See Florida Department of Financial Services, <https://myfloridacfo.com/about/about-dfs> (last visited Feb. 5, 2026).

<sup>8</sup> *Id.*

<sup>9</sup> [S. 20.121\(3\)\(c\), F.S.](#)

<sup>10</sup> U.S. Const. art. 1. § 10. Cl. 1.

<sup>11</sup> *Id.*

<sup>12</sup> U.S. Const. art. 1. § 8. Cl. 5.

<sup>13</sup> *Specie* refers to money in the form of coins, especially those made of gold or silver. See *Black’s Law Dictionary* (11th ed. 2019) (“*Specie*: Coined money, as opposed to paper money; esp., gold or silver coins.”).

<sup>14</sup> 31 U.S.C. § 5103.

<sup>15</sup> The required rules and report were submitted by the deadline.

<sup>16</sup> Ch. 2025-100, Laws of Fla.

HB 999 recognizes certain gold coin and silver coin as legal tender in Florida for the payment of debts incurred on or after July 1, 2026.<sup>17</sup> HB 999 defines key terms such as “gold coin” and “silver coin” and provides that only coin meeting specified purity and marking standards qualifies. No individual, business, or government entity is required to accept such coin unless agreed to by contract.<sup>18</sup>

HB 999 provides that:

- Gold coin recognized as legal tender is a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity. The solid form of chemical element atomic number 79 must consist of at least 99.5 percent purity.<sup>19</sup>
- Silver coin recognized as legal tender is a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity. The solid form of chemical element atomic number 47 must consist of at least 99.9 percent purity.<sup>20</sup>

Gold and silver coin recognized as legal tender does not include goods such as jewelry, other items of utility, such as picture frames, or collectables.<sup>21</sup>

#### Sales and Use Tax

HB 999 exempts from sales tax any gold or silver coin that is legal tender in Florida under the newly created legal tender statute.<sup>22</sup> HB 999 establishes a presumption of eligibility for this exemption if the coin is stamped with appropriate purity markings or transacted electronically.<sup>23</sup>

#### Licensing and Regulation of Custodians

HB 999 defines “custodian of gold coin or silver coin” as any person or entity providing secure vault facilities to one or more persons for the safekeeping and storage of gold coin or silver coin, the ownership of which is or may be transferred electronically, and includes any person who holds gold or silver coin for more than 10 days.<sup>24</sup> The term does not include a person holding gold or silver coin for personal use as legal tender.<sup>25</sup>

HB 999 creates a distinct licensing framework for custodians of gold and silver coin by expanding the definition of money transmitters<sup>26</sup> to include such custodians, thereby requiring them to obtain a money transmitter license<sup>27</sup> and comply with regulatory examinations.<sup>28</sup>

Applicants seeking a money transmitter license to become a custodian of gold or silver coin must meet existing requirements for money transmitters and must comply with additional requirements for custodians, including

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> [S. 672.105\(1\), F.S.](#)

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> “Money transmitter” means a corporation, limited liability company, limited liability partnership, or foreign entity which receives currency, monetary value, a payment instrument, or virtual currency for the purpose of acting as an intermediary for transmission from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country. The term includes only an intermediary that has the ability to unilaterally execute or indefinitely prevent a transaction. [S. 560.103\(24\), F.S.](#)

<sup>27</sup> A money transmitter is one type of money services business. [S. 560.103\(23\), F.S.](#)

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

submitting evidence of insurance coverage, secure physical custody, accreditation from an OFR-approved entity, and a statement of how the business will operate in a safe and sound manner.<sup>29</sup>

### Custody of Public Deposits

HB 999 requires custodians of gold or silver coin that hold public deposits to meet the standards of a qualified public depository under Florida law.<sup>30</sup>

In Florida, institutions holding state funds must be a qualified public depository<sup>31</sup> under the Qualified Public Depository Act, which requires designation by the CFO, collateralization of public deposits,<sup>32</sup> reporting,<sup>33</sup> and compliance with minimum liquidity and solvency standards.<sup>34</sup> Generally, institutions must be federally insured, although limited exemptions may apply for entities that hold non-cash assets.<sup>35</sup>

### Money Services Businesses:

HB 999 requires money services businesses<sup>36</sup> who offer products or services involving gold or silver coin to comply with operational and disclosure requirements.<sup>37</sup> These include maintaining separate accounts for precious metal coin, insuring gold and silver coin at full replacement value, securely storing gold and silver coin with a licensed custodian, purchasing gold and silver coin only from accredited refiners or wholesalers, and making disclosures.<sup>38</sup>

### Financial Institutions

HB 999 requires financial institutions<sup>39</sup> that offer products or services related to gold coin to comply with operational and disclosure standards.<sup>40</sup> These include insuring the full replacement value of any coin held, maintaining separate accounts and accurate transaction records, complying with anti-money laundering laws, and making full disclosures to customers about their rights, fees, and the institution's obligations.<sup>41</sup> A financial institution may contract with a licensed custodian to physically hold gold or silver coin on its behalf but remains responsible for ensuring that the custodian complies with all applicable requirements.<sup>42</sup>

### Precious Metals-Backed Electronic Payment Systems

Precious metals-backed electronic payment systems are digital platforms that allow users to store and transact using units backed by physical precious gold or silver.<sup>43</sup> These systems allow users to maintain accounts denominated in gold or silver and spend from those accounts using debit cards or mobile applications.<sup>44</sup>

<sup>29</sup> *Id.*

<sup>30</sup> Except that such custodians are not required to be insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

<sup>31</sup> See [s. 280.02\(26\), F.S.](#) (defining "qualified public depository").

<sup>32</sup> See [s. 280.04\(1\), F.S.](#)

<sup>33</sup> See [s. 280.16, F.S.](#)

<sup>34</sup> See Rule 69C-2.026, F.A.C.

<sup>35</sup> See [s. 280.03\(3\), F.S.](#) (permitting exceptions to federal insurance requirements under certain conditions).

<sup>36</sup> A "money services business" is, any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter. Money services businesses must be licensed with OFR. Ss. [560.103](#) and [560.125, F.S.](#)

<sup>37</sup> Ch. 2025-100, Laws of Fla.

<sup>38</sup> *Id.*

<sup>39</sup> "Financial institution" means a state or federally regulated bank, savings or thrift association, trust company, credit union, or other entity authorized under state or federal law to conduct domestic or international banking, trust, or financial activities. [S. 655.005\(1\)\(i\), F.S.](#)

<sup>40</sup> Ch. 2025-100, Laws of Fla.

<sup>41</sup> *Id.*

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

<sup>43</sup> Christian Bender, *A Gold Standard for the Internet? An Introductory Assessment*, 11 *Electronic Markets* p. 123 (2001), [Electronic Markets](#) (last visited Jan. 22, 2026).

<sup>44</sup> Bender, *supra* note 1, at 122.

Such systems rely on physical bullion stored in secure vaults, often accredited by international organizations that set industry standards. Users may conduct transactions based on their bullion holdings and may redeem their digital balances for physical delivery of gold or silver.<sup>45</sup> While these systems offer an alternative to traditional fiat currency (government-issued currency that is not backed by a physical commodity) transactions, they are typically not insured by the Federal Deposit Insurance Corporation and are subject to various state and federal regulatory requirements, including anti-money laundering, cybersecurity, and fraud prevention measures.<sup>46</sup>

**RECENT LEGISLATION:**

<b>YEAR</b>	<b>BILL #/SUBJECT</b>	<b>HOUSE/SENATE SPONSOR(S)</b>	<b>OTHER INFORMATION</b>
2025	<a href="#">CS/HB 999</a> - Legal Tender	Bankson, LaMarca	The bill passed in 2025.

<sup>45</sup> *Digital Gold: Understanding Cryptocurrency Backed by Physical Gold*, BlockApps (2023), [Digital Gold](#) (last visited Jan. 22, 2026).

<sup>46</sup> Lael Brainard, Governor, Bd. of Governors of the Fed. Rsrv. Sys., *The Digitalization of Payments and Currency: Some Issues for Consideration* (Feb. 5, 2020), [Digitalization of Payments and Currency](#) (last visited Jan. 22, 2026).