

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/CS/HB 175](#)

TITLE: Payment Stablecoin

SPONSOR(S): Barnaby and Giallombardo

COMPANION BILL: [CS/SB 314](#) (Burton)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 102 Y's 2 N's **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

The bill creates a regulatory framework for payment stablecoin issuers, pursuant to the federal Guiding and Establishing National Innovation for U.S. Stablecoins Act ("GENIUS Act"). The bill requires payment stablecoin issuers to obtain either a money services business license or, if the issuer is a trust company, a certificate of approval from the Office of Financial Regulation to issue payment stablecoin. Issuers must also comply with prudential requirements consistent with the GENIUS Act. The bill requires the Office of Financial Regulation to certify to the federal Stablecoin Certification Review Committee that the state regulatory regime is substantially similar to the federal regulatory regime.

Fiscal or Economic Impact:

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

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ANALYSIS

EFFECT OF THE BILL:

Payment Stablecoin

The bill creates a state-level regulatory framework for payment stablecoin issuers, pursuant to the federal [Guiding and Establishing National Innovation for U.S. Stablecoins Act \("GENIUS Act"\)](#).¹ (Sections [1-13](#)).

Effective upon becoming law, the bill creates definitions for the new regulatory framework.² (Sections [1](#) and [13](#)).

The bill defines "qualified payment stablecoin issuer" as an entity established under the laws of a state and approved by the [Office of Financial Regulation \("OFR"\)](#) to issue payment stablecoin. The term does not include an uninsured national bank, an insured depository institution³, a federal branch of a foreign bank⁴, or a subsidiary of such entities.⁵ (Sections [1](#) and [13](#)).

¹ 12. U.S.C. 5901et seq.

² While provisions that provide definitions, requirements for the Office of Financial Regulation, amendments to the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act and rulemaking authority take effect upon becoming law, the majority of the bill's provisions take effect October 1, 2026.

³ The bill defines "insured depository institution" as any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation or a credit union insured by the National Credit Union Administration Board.

⁴ The bill defines "federal branch of a foreign bank" as a branch of a foreign bank established and operating under 12 U.S.C. 3102.

⁵ Because the definition of a state qualified payment stablecoin issuer in the GENIUS Act excludes insured depository institutions and all state banks and credit unions are insured, the bill does not include a state regulatory regime of banks or credit unions as issuers. [Section 658.38, F.S.](#), requires all state banks to maintain insurance from the Federal Deposit Insurance Corporation. [Section 657.033, F.S.](#), requires credit union to obtain and maintain insurance of accounts through the National Credit Union Administration.

STORAGE NAME: h0175z

DATE: 3/13/2026

The bill defines “federally qualified payment stablecoin issuer” as:

- A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of Currency to issue payment stablecoins.
- An uninsured national bank chartered by the Office of the Comptroller of the Currency.
- A federal branch of a foreign bank approved by the Office of the Comptroller to issue payment stablecoin. (Sections [1](#) and [13](#)).

The bill defines “payment stablecoin” as a [digital asset](#)⁶ that:

- Is meant to be used for payments or settling transactions.
- The issuer of which:
 - Must be ready to convert or redeem it for a fixed amount of money.⁷
 - Represents, or creates a reasonable expectation that the value of the digital asset will remain stable against a fixed amount of money. (Sections [1](#) and [13](#)).

The bill provides that the term “payment stablecoin” does not include:

- A national currency.⁸
- Deposits.⁹
- Securities.¹⁰ (Sections [1](#) and [13](#)).

Effective October 1, 2026, the bill establishes two pathways to become a qualified payment stablecoin issuer:

- Obtaining a money services business license as a qualified payment stablecoin issuer.
- Obtaining a certificate of approval as a qualified payment stablecoin issuer, if the entity is a trust company. (Sections [1](#) and [13](#)).

[Money services businesses](#)

Effective upon becoming law, the bill expands the definition of money services business to include qualified payment stablecoin issuers, thereby incorporating payment stablecoin issuers into Florida’s regulatory framework for money services businesses. (Section [1](#)).

The bill creates part V of ch. 560, F.S., entitled “Payment Stablecoin Issuers” that establishes regulation of issuers of payment stablecoin. (Section [4](#)).

Effective October 1, 2026, the bill requires an entity to obtain a license from OFR in order to be a qualified payment stablecoin issuer, unless exempt from licensure. OFR must provide the applicant for such license with written notice of OFR’s approval or denial of the application for licensure. (Section [5](#)).

The bill exempts the following entities from having to obtain a qualified payment stablecoin issuer license:

- A federally qualified payment stablecoin issuer.
- An out-of-state state-qualified payment stablecoin issuer¹¹ of which Florida is a host state.
 - The bill defines “host state” as a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the state in which the issuer is established or has its principal place of business. (Sections [5](#) and [13](#)).

⁶ The bill defines “digital asset” as any digital representation of value that is recorded on a cryptographically secured digital ledger.

⁷ E.g. 1 United States Dollar for 1 stablecoin.

⁸ Such as United States Dollars or other government-issued money.

⁹ A deposit is money or funds held by a bank or savings association that the bank is obligated to repay to the customer. *See* 12 U.S.C. 1813(l).

¹⁰ E.g. notes, stocks and bonds. [S. 517.021, F.S.](#), 15 U.S.C. 77b, 15 U.S.C. 78c, and 15 U.S.C. 80a-2.

¹¹ The bill requires out-of-state state-qualified payment stablecoin issuers to provide written notice to OFR within 30 days of engaging in activity that makes Florida a host state of such issuer.

The bill also exempts the following transactions from its provisions:

- Direct transfers of payment stablecoins between two individuals acting on their own behalf, for lawful purposes, without an intermediary.
- Transfers between an account in the U.S. and an account that is abroad as long as both accounts are owned by the same individual and under the same parent company.
- Transactions using a software or hardware wallet that facilitates an individual's own custody of payment stablecoins. (Sections [5](#) and [13](#)).

The bill specifies that payment stablecoin that meets the requirements of the bill is not a security, and therefore is not subject to the Florida Securities and Investor Protection Act.¹² (Sections [5](#) and [13](#)).

The bill updates existing provisions that create penalties for engaging in the business of a money services business without licensure to include violations involving payment stablecoins. Willfull violations for unlicensed activity result in:

- A misdemeanor of the first degree for violations involving payment stablecoins of a value not exceeding \$300 in a 12-month period.¹³
- A felony of the third degree for violations involving payment stablecoins of a value exceeding \$300 but less than \$20,000 in a 12-month period.¹⁴
- A felony of the second degree for violations involving payment stablecoins of a value exceeding \$20,000 but less than \$100,000 in a 12-month period.¹⁵
- A felony of the first degree for violations involving payment stablecoins of a value exceeding \$100,000 in a 12-month period.¹⁶
- A fine of up to \$250,000 or twice the value of the payment stablecoins, except that on a second or subsequent violation, the fine may be up to the greater of \$500,000 or quintuple the value of the payment stablecoins.
- A civil penalty of up to the greater of the value of the payment stablecoins involved or \$25,000. (Section [3](#)).

Anti-money laundering and annual certification

Effective October 1, 2026, the bill amends the Florida Control of Money Laundering in Money Services Business Act¹⁷ to include payment stablecoins, requiring issuers to comply with its provisions and subjecting them to enforcement for violations. The bill also requires qualified payment stablecoin issuers to comply with anti-money laundering provisions in the GENIUS Act, including but not limited to, provisions related to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act. (Section [2](#)).

The bill requires qualified payment stablecoin issuers to submit annual certifications to OFR, certifying that the issuer has implemented anti-money laundering and economic sanctions compliance programs. The bill requires OFR to make such certifications available to the Secretary of the Treasury upon request. (Section [2](#)).

The bill also permits OFR to revoke the license of a qualified payment stablecoin issuer if such issuer does not submit the required certification. OFR may refer matters to the United States Attorney General or the attorney general of Florida, if OFR has reason to believe that a person has violated the anti-money laundering and economic sanctions compliance programs provisions. (Section [2](#)).

¹² Ch. 517, F.S.

¹³ The misdemeanor is punishable as provided in S. 775.082 F.S. or [S. 775.083, F.S.](#)

¹⁴ The felony is punishable as provided in [S. 775.082, F.S.](#), [S. 775.083, F.S.](#), or [S. 775.084, F.S.](#)

¹⁵ The felony is punishable as provided in [S. 775.082, F.S.](#), [S. 775.083, F.S.](#), or [S. 775.084, F.S.](#)

¹⁶ The felony is punishable as provided in [S. 775.082, F.S.](#), [S. 775.083, F.S.](#), or [S. 775.084, F.S.](#)

¹⁷ The Florida Control of Money Laundering in Money Services Businesses Act ("Act") requires money services businesses to maintain records of certain financial transactions and file reports with OFR. Money services businesses who violate the Act can face administrative penalties, fines, and criminal charges. [S. 560.123, F.S.](#)

License applications

Effective October 1, 2026, the bill requires applicants seeking licensure as a qualified payment stablecoin issuer to comply with existing license application requirements for money services businesses.¹⁸ However, the bill requires OFR to pay any costs that would otherwise be charged to license applicants for fingerprinting. (Section [6](#)).

In addition to the existing license application requirements for all types of money services businesses, applicants seeking a qualified payment stablecoin issuer license must file an additional application containing the following:

- Evidence of the applicant’s ability to meet minimum prudential requirements.
- A statement as to whether an officer or director of the applicant has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud.
- An explanation of the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company.
- A statement as to whether the applicant’s redemption policy meets minimum prudential requirements.
- Any other factors necessary to ensure the safety and soundness of the qualified payment stablecoin issuer. (Section [6](#)).

The bill requires OFR to render a decision on license applications within 120 days of receiving a substantially complete application. An application is substantially complete if it provides OFR with enough information to render a decision on whether the applicant satisfies the minimum prudential requirements. OFR must notify applicants whether the application is deemed substantially complete within 30 days of application receipt. (Section [6](#)).

OFR may only deny a substantially complete application if it determines the applicant’s activities would be unsafe or unsound based on minimum prudential requirements. (Section [6](#)).

If OFR fails to render a decision on a complete application within 120 days, the application is deemed approved. If OFR denies a complete application, it must provide the applicant with written notice explaining the denial within 30 days of such denial. (Section [6](#)).

If denied, applicants can file subsequent applications and are entitled to an opportunity to be heard pursuant to Florida’s Administrative Procedure Act.¹⁹ (Section [6](#)).

Financial institutions

Effective October 1, 2026, the bill creates a regulatory framework within Florida’s financial institutions codes, allowing trust companies to issue payment stablecoin. The regulatory framework for trust company payment stablecoin issuers is substantially similar to the framework for money services business payment stablecoin issuers. The two types of issuers must comply with all of the same requirements, except that trust companies are not required to obtain a money services business license, since they are already regulated under Florida’s financial institutions codes and are exempt from Florida’s money services businesses laws.²⁰ Instead, the bill requires trust companies to apply for and obtain a certificate of approval as a qualified payment stablecoin issuer from OFR. (Section [13](#)).

To obtain a certificate of approval as a qualified payment stablecoin issuer, trust companies must request a certificate in conjunction with an application to organize a trust company or apply for a certificate of approval as a qualified payment stablecoin issuer on forms prescribed by rule. (Section [13](#)).

¹⁸ See [S. 560.129, F.S.](#)

¹⁹ Ch. 120, F.S.

²⁰ Ch. 658, F.S.; [S. 560.104, F.S.](#)

Effective upon becoming law, the bill amends the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act²¹ to incorporate payment stablecoins. The bill requires trust companies approved as qualified payment stablecoin issuers to submit annual certifications to OFR, certifying that the issuer has implemented anti-money laundering and economic sanctions compliance programs. (Section [11](#)).

The bill requires OFR to make such certifications available to the Secretary of the Treasury upon request. OFR may revoke the certificate of approval of a qualified payment stablecoin issuer if such issuer does not submit the required certification. The bill also permits OFR to refer matters to the United States Attorney General or the attorney general of Florida, if OFR has reason to believe that a person has violated the anti-money laundering and economic sanctions compliance programs provisions. (Section [11](#)).

Limitation on payment stablecoin activities

Effective October 1, 2026, the bill provides that a license or certificate of approval to issue qualified payment stablecoin authorizes only the following activities:

- Issuing payment stablecoins.
- Redeeming payment stablecoins.
- Managing related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.
- Undertaking other activities that directly support any of the activities described above. (Sections [7](#) and [13](#)).

The bill clarifies that it does not limit the authority of banks, credit unions, national banks, or trust companies to engage in activities currently authorized by federal or state law, including:

- Accepting deposits or credit union shares and issuing digital versions of them.
- Using digital ledgers.
- Providing custody services for payment stablecoins or reserves. (Section [13](#)).

Minimum prudential requirements:

Effective October 1, 2026, the bill requires qualified payment stablecoin issuers to comply with the requirements of the GENIUS Act, including the following:

Reserve requirements

- Maintain identifiable reserves equal to at least 100% of outstanding payment stablecoins.
- Permissible reserves include:
 - U.S. coin or currency or funds held at a Federal Reserve Bank.
 - Demand deposits or insured shares at an insured depository institution, subject to federal limits.
 - U.S. treasury bills, notes, or bonds with maturities of 93 days or less.
 - Overnight repurchase or reverse repurchase agreements backed by short-term U.S. Treasuries, subject to federal standards and overcollateralization requirements.
 - Securities issued by a federally registered investment company or other registered government money market fund, and that are invested solely in permitted reserve assets.
 - Other similarly liquid federal government-issued assets approved by the primary federal payment stablecoin regulator, in consultation with OFR.
 - Certain permitted reserves in tokenized form, if compliant with applicable laws. (Sections [8](#) and [13](#)).

Redemption Policies and Consumer Disclosures

- Publicly disclose a redemption policy with clear procedures for timely redemption of payment stablecoins.
- Clearly disclose all fees associated with purchasing or redeeming payment stablecoins.
 - Fee changes require at least seven days' prior notice to consumers. (Sections [8](#) and [13](#)).

²¹ [S. 655.50, F.S.](#)

Reserve transparency and reporting

- Publish a monthly reserve report on the issuer's website showing:
 - The total number of outstanding payment stablecoins.
 - The amount, composition, average maturity and custody location of reserve assets. (Sections [8](#) and [13](#)).

Audits, Certifications, and Supervision

- Retain a registered public accounting firm²² to conduct a monthly examination of reserve reports.
- Submit monthly certifications to OFR, signed by the issuer's chief executive officer and chief financial officer, attesting to the accuracy of reserve reports.
 - The bill provides that anyone that knowingly makes a false statement in writing with the intent to mislead a public servant commits a misdemeanor of the second degree.²³
- Comply with federal and state requirements relating to capital, liquidity, and risk management.
- Use only custodians or safekeepers that comply with the GENIUS Act.
- Comply with all other federal requirements and implementing regulations under the GENIUS Act. (Sections [8](#) and [13](#)).

Prohibitions:

The bill prohibits qualified payment stablecoin issuers from engaging in the following conduct:

Anti-competitive and Tying Practices

- Conditioning access to payment stablecoin services on the purchase of unrelated products or services, or on agreements not to use competitors' products, unless authorized by federal law. (Sections [8](#) and [13](#)).

Deceptive Naming and Marketing

- Using names or marketing that imply association with or endorsement by the U.S. Government.
- Marketing payment stablecoins in a way that would lead a reasonable person to believe they are U.S. legal tender or government-backed. (Sections [8](#) and [13](#)).

Interest or Yield Payments

- Paying interest or other yield solely for holding or using a payment stablecoin, if such payment is prohibited by federal law. (Sections [8](#) and [13](#)).

Misuse of Reserves

- Pledging, rehypothecating²⁴, or reusing reserve assets, as prohibited by federal law, except as permitted for:
 - Satisfying margin obligations related to permitted reserve investments.
 - Satisfying obligations associated with custodial services.
 - Liquidity management to meet redemption demands, including limited use of Treasury-backed repurchase agreements, subject to clearance from a clearing agency or prior approval from OFR. (Sections [8](#) and [13](#)).

Transition to federal oversight

Effective October 1, 2026, the bill requires qualified payment stablecoin issuers to comply with the GENIUS Act's requirement for state regulated issuers to have a total outstanding issuance not exceeding \$10 billion.²⁵ Qualified

²² "Registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

²³ The misdemeanor is punishable as provided in [s. 775.082, F.S.](#) or [s. 775.083, F.S.](#)

²⁴ Rehypothecating occurs when an institution reuses required reserve assets that are meant to back customer obligations for the institution's own borrowing, lending, or investment purposes.

²⁵ 12 U.S.C. 5903.

payment stablecoin issuers that exceed the \$10 billion limit must notify OFR within 7 business days of exceeding the limit. (Sections [5](#) and [13](#)).

The bill provides that unless a federal waiver is granted, a qualified payment stablecoin issuer whose total outstanding payment stablecoin issuance reaches \$10 billion must do one of the following:

- Within 360 days of reaching the threshold, transition to the applicable federal regulatory framework jointly administered by OFR and the applicable federal regulator.
- Stop issuing new payment stablecoins once the threshold is reached until total issuance falls below \$10 billion. (Sections [5](#) and [13](#)).

An issuer who receives a waiver or is transitioning to federal regulation remains subject to state regulation, with OFR retaining sole responsibility for supervision, unless supervision is shared jointly with the U.S. Office of the Comptroller of the Currency. (Sections [5](#) and [13](#)).

The bill also allows OFR to enter into agreements with the appropriate federal regulator for joint supervision of qualified payment stablecoin issuers. (Sections [5](#) and [13](#)).

The bill requires qualified payment stablecoin issuers that exceed \$50 billion in total outstanding issuance to prepare annual financial statements, which must be audited by a registered public accounting firm. The issuer must make the financial statements publicly available on the issuer's website and submit the financial statements annually to OFR. (Sections [8](#) and [13](#)).

State certification

Effective upon becoming law, OFR must submit an initial certification to the [Stablecoin Certification Review Committee](#), as is required by the GENIUS Act in order for the state to regulate payment stablecoin issuers.²⁶ (Section [9](#)).

The initial certification must attest that the state regulatory regime for payment stablecoins is substantially similar to the requirements of the GENIUS Act. (Section [9](#)).

The bill requires OFR to comply with the requirements of the GENIUS Act and submit annual follow-up certifications confirming the continued accuracy of the initial submission by the annual deadline set by the U.S. Secretary of the Treasury. (Section [9](#)).

Effective date

Subject to the Governor's veto powers, the bill takes effect upon becoming a law, except as otherwise provided. (Section [14](#)).

RULEMAKING:

The bill requires the Financial Services Commission ("Commission") to adopt rules to administer the payment stablecoin framework. The bill also requires the Commission to adopt rules relating to capital, liquidity, and risk management which are consistent with the GENIUS Act. The bill permits the Commission to adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance, in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

²⁶ 12 U.S.C. 5903.

FISCAL OR ECONOMIC IMPACT:**STATE GOVERNMENT:**

The bill may have an indeterminate fiscal impact on the state government, to the extent that OFR incurs costs to promulgate rules and enforce the bill's provisions.

PRIVATE SECTOR:

The bill may have an indeterminate fiscal impact on the private sector, to the extent that stablecoin issuers incur costs to comply with the bill's requirements. The bill may also lead to an expansion of the stablecoin market in Florida.

RELEVANT INFORMATION**SUBJECT OVERVIEW:**[Virtual currency](#)

Virtual currency is a digital asset that functions as a medium of exchange but lacks legal tender status.²⁷ In some environments, virtual currency operates like "real" currency²⁸ (i.e., the coin and paper money of the United States or of any other country that is designated as legal tender, circulates, and is customarily used and accepted as a medium of exchange in the country of issuance).²⁹ Virtual currency that has an equivalent value in real currency, or that acts as a substitute for real currency, is referred to as "convertible" virtual currency.³⁰

Virtual currencies generally operate on networks of computers (nodes) that enable, validate, and record transactions on a distributed digital ledger (blockchain).³¹ To transfer an asset on a blockchain, the transferor uses an alphanumeric code known only to the transferor (a private key) to create a request that the network software validate a new ledger entry, which assigns control of the asset to the recipient.³² Once the network has validated this transfer, the ledger is updated and the recipient may transfer the asset to another recipient using their own private key.³³ Ledger entries are cryptographically secured, and accounts on a blockchain are identified by alphanumeric "public keys" rather than by personal names.³⁴ Virtual currency wallets are interfaces that store and transfer virtual currency.³⁵

[Stablecoin](#)

Stablecoins are a type of virtual currency designed to maintain a stable value by pegging the value to a national currency or other assets.³⁶ As of February 2026, the total market cap for stablecoins is approximately \$296 billion.³⁷ The top three stablecoins in terms of market cap are Tether (USDT), USDC (USDC), and USDS (USDS).³⁸

²⁷ [S. 560.103\(36\), F.S.](#)

²⁸ Often referred to as "fiat" currency.

²⁹ IRS, *Digital assets*, <https://www.irs.gov/filing/digital-assets> (last visited Feb. 5, 2026).

³⁰ *Id.*

³¹ Office of the Federal Register, National Archives and Records Administration, *Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets*, GovInfo, (Dec. 23, 2020), <https://www.govinfo.gov/app/details/FR-2020-12-23/2020-28437/summary> (last visited Feb. 5, 2026).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ FinCEN, *Application of FinCEN's Regulations to Certain Business Models Involving Convertible Virtual Currencies*, (May 9, 2019), <https://www.fincen.gov/system/files/2019-05/FinCEN%20Guidance%20CVC%20FINAL%20508.pdf> (last visited Feb. 5, 2026).

³⁶ Congressional Research Service, *Stablecoins: Background and Policy Issues*, <https://www.congress.gov/crs-product/IF11968>. (last visited Feb. 5, 2026).

³⁷ Forbes, *Top Stablecoins Coins Today by Market Cap*, <https://www.forbes.com/digital-assets/categories/stablecoins/> (last visited Feb. 6, 2026).

³⁸ *Id.*

[The GENIUS Act](#)

On July 18, 2025, the Guiding and Establishing National Innovation for U.S. Stablecoins Act of 2025 (“GENIUS Act”) was signed into law, establishing the first regulatory framework for payment stablecoin issuers.³⁹

The GENIUS Act takes effect on the earlier of January 18, 2027, or 120 days after the specified federal payment stablecoin regulators issue any final implementing regulations.⁴⁰

The GENIUS Act defines “payment stablecoin” as a digital asset⁴¹ that:

- Is meant to be used for payments or settling transactions.
- The issuer of which:
 - Must be ready to convert or redeem it for a fixed amount of money.⁴²
 - Represents, or creates a reasonable expectation that the value of the digital asset will remain stable against a fixed amount of money.⁴³

Under the GENIUS Act, only permitted payment stablecoin issuers (“PPSIs”) may issue a payment stablecoin in the United States.⁴⁴ Beginning July 18, 2028, it will be unlawful for digital asset service providers to offer or sell a payment stablecoin in the United States, unless the provider is a PPSI or a foreign payment stablecoin issuer meeting certain conditions.⁴⁵

The GENIUS Act establishes three types of PPSIs, all of which must be formed in the United States:

- A subsidiary of an insured depository institution.⁴⁶
- A federal qualified payment stablecoin issuer.
- A state qualified stablecoin issuer.⁴⁷

PPSIs must comply with various requirements under the GENIUS Act, such as:

- Maintaining identifiable reserves backing the outstanding payment stablecoins on at least a one-to-one basis comprising only specified types of reserves, such as U.S. coin and currency.⁴⁸
- Publishing the monthly composition of the issuer’s reserves on its website, including the average maturity and custody location of each reserve category.
- Having monthly reserve reports examined by a registered public accounting firm and attested to by the issuer’s chief executive officer and chief financial officer.⁴⁹

³⁹ 12 U.S.C. ss. 5901-5916.

⁴⁰ S.1582 - 119th Congress (2025-2026): GENIUS Act, S.1582, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1582>, (last visited Feb. 5, 2026).

⁴¹ The GENIUS Act defines “digital asset” as any digital representation of value that is recorded on a cryptographically secured distributed ledger.

⁴² E.g. 1 United States Dollar for 1 stablecoin.

⁴³ 12 U.S.C. 5901. A payment stablecoin does not include a national currency, deposits as defined in 12 U.S.C. 1813 or securities.

⁴⁴ 12 U.S.C. 5902.

⁴⁵ *Id.*

⁴⁶ A “subsidiary” is any company which is owned or controlled directly or indirectly by another company. The term includes any service corporation owned in whole or in part by an insured depository institution or any subsidiary of such a service corporation. An “insured depository institution” is any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation or an insured credit union.. See 12 U.S.C. 5901 and 12 U.S.C. 1813.

⁴⁷ The term “state qualified payment stablecoin issuer” means an entity that is legally established under the laws of a state and approved to issue payment stablecoins by a state payment stablecoin regulator. The term does not include an uninsured national bank chartered, a federal branch of a foreign bank, an insured depository institution, or a subsidiary of such entities. 12 U.S.C. 5901.

⁴⁸ 12 U.S.C. 5903(a)(2) prohibits the required reserves from being pledged, rehypothecated, or reused by the permitted payment stablecoin issuer except for as provided in the GENIUS Act.

⁴⁹ 12 U.S.C. 5903.

- Publicly disclosing the issuer’s redemption policy which must establish clear procedures for timely redemption of payment stablecoins and clearly disclosing all fees⁵⁰ associated with purchasing or redeeming payment stablecoins.⁵¹
- Not engaging in tying practices that condition access to payment stablecoin services on the purchase of unrelated products or services, or on agreements not to use competitors’ products.
- Not using deceptive names or marketing that imply association with or endorsement by the U.S. Government.
- Not paying interest or other yield solely for holding or using a payment stablecoin.⁵²

The GENIUS Act creates a tiered oversight model between federal and state authorities. The GENIUS Act permits states to regulate certain payment stablecoin issuers⁵³ if:

- The state has a regulatory regime that is substantially similar to the federal regime.
- The state stablecoin regulator submits a certification to the [Stablecoin Certification Review Committee \(“Committee”\)](#) attesting that the state-level regulatory regime meets the criteria for substantial similarity.
 - The Committee is comprised of the Secretary of the Treasury, who serves as the Chair, as well as the Chair of the Board of Governors of the Federal Reserve System and the Chair of the Federal Deposit Insurance Corporation.
 - The GENIUS Act requires the Committee to approve or deny a state certification within 30 days after receipt. If the Committee denies the certification, the denial must contain detailed information describing the reasons for the denial. If denied, a state is permitted to resubmit the certification after making any necessary changes.
- The state submits additional certifications to the Committee confirming the accuracy of the initial certification.⁵⁴

A state issuer that has a consolidated total outstanding issuance of less than \$10 billion may choose to be regulated under a state-level regulatory regime.⁵⁵ A state issuer that reaches the \$10 billion threshold must either comply with a specified transition to the federal regulatory framework or cease issuing new payment stablecoins until the consolidated total outstanding issuance is below \$10 billion.⁵⁶

The federal regulator may issue a waiver to allow a state issuer who exceeds the \$10 billion threshold to remain supervised solely by the state regulator.⁵⁷ If a state complies with certain requirements, such as establishing a regulatory regime for the supervision of digital assets or payment stablecoins before the 90-day period ending on the date of the enactment of the GENIUS Act, then the state issuer is presumptively approved for a waiver.⁵⁸

The GENIUS Act requires designated federal regulators⁵⁹ to implement rules and regulations for implementing the Act, including rules establishing principles for determining whether a state-level regulatory regime is substantially

⁵⁰ Fee changes require at least seven days’ prior notice to consumers.

⁵¹ 12 U.S.C. 5903.

⁵² *Id.*

⁵³ The GENIUS Act provides that a state qualified payment stablecoin issuer means an entity that (A) is legally established under the laws of a State and approved to issue payment stablecoins by a state payment stablecoin regulator; and (B) is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a Federal branch, an insured depository institution, or a subsidiary of such national bank, Federal branch, or insured depository institution. 12 U.S.C. 5901.

⁵⁴ 12 U.S.C. 5901.

⁵⁵ 12 U.S.C. 5903.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ The federal regulators include the U.S. Treasury, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency.

similar to the federal regulatory framework.⁶⁰ As of February 2026, said rules and regulations have not been implemented.

State law

The [Financial Services Commission \(“Commission”\)](#) is an executive agency within the Department of Financial Services and is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.⁶¹ The [OFR](#) is responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.⁶²

The Division of Consumer Finance within OFR licenses and regulates various aspects of the non-depository financial services industries, including money services businesses.⁶³

The Bureau of Bank Regulation, which is within OFR’s Division of Financial Institutions, examines and regulates state-chartered commercial banks, as well as trust companies, trust departments, and international bank offices.⁶⁴ Florida has dual oversight of the banking system, such that financial institutions are regulated by both state and federal agencies.⁶⁵

Money services businesses

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.”⁶⁶ Money services businesses must be licensed with OFR.⁶⁷

Trust companies

In Florida, the Florida Financial Institutions Codes govern all state-authorized and state-chartered banks, trust companies, and related entities.⁶⁸ A trust company is a financial institution other than a bank or state or federal association, that is authorized by lawful authority to act as a fiduciary.⁶⁹ To create a trust company, persons must apply for and obtain approval from OFR.⁷⁰

⁶⁰ 12 U.S.C. 5903.

⁶¹ [S. 20.121\(3\), F.S.](#)

⁶² [S. 20.121\(3\)\(a\)2., F.S.](#)

⁶³ Office of Financial Regulation, *Division of Consumer Finance*, [Division of Consumer Finance](#) (last visited Feb. 5, 2026).

⁶⁴ Office of Financial Regulation, *Division of Financial Institutions*, [Division of Financial Institutions](#) (last visited Feb. 5, 2026).

⁶⁵ *Id.*

⁶⁶ [S. 560.103\(23\), F.S.](#)

⁶⁷ [S. 560.125, F.S.](#)

⁶⁸ [S. 655.005\(1\)\(k\), F.S.](#), states that the Financial Institutions Codes include: Ch. 655, F.S., financial institutions generally; Ch. 657, F.S., credit unions; Ch. 658, F.S., banks and trust companies; Ch. 660, F.S., trust business; Ch. 662, F.S., family trust companies; Ch. 663, F.S., international banking; Ch. 665, F.S., relating to associations; and Ch. 667, F.S., savings banks.

⁶⁹ [S. 658.12, F.S.](#)

⁷⁰ [S. 658.19, F.S.](#)