

By the Committees on Rules; and Banking and Insurance; and
Senators Rouson and Arrington

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A bill to be entitled
An act relating to virtual currency kiosks; amending s. 560.103, F.S.; revising the definition of the term "money services business"; defining terms; amending s. 560.105, F.S.; revising the requirements for certain rules adopted by the Financial Services Commission; amending s. 560.114, F.S.; revising the actions by money services businesses, authorized vendors, or affiliated parties which constitute grounds for disciplinary action; amending s. 560.125, F.S.; prohibiting persons from engaging in certain business unless they are registered or exempt from registration; creating part V of ch. 560, F.S., entitled "Virtual Currency Kiosk Businesses"; creating s. 560.501, F.S.; defining terms; creating s. 560.502, F.S.; prohibiting a virtual currency kiosk business from operating in this state without registering or renewing its registration; requiring the Office of Financial Regulation to give a specified notice to applicants; specifying that certain money transmitters are exempt from registration as a virtual currency kiosk business but are subject to certain provisions; prohibiting certain entities from performing certain actions without being licensed as a money services business; specifying that virtual currency kiosk business registrations are not transferable or assignable; creating s. 560.503, F.S.; requiring applicants to submit certain information to the office to be registered as a virtual currency kiosk business;

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30 requiring certain virtual currency kiosk businesses to
31 submit a registration application to the office by a
32 specified date; requiring registrants to report a
33 change in the information within a specified
34 timeframe; requiring registrants to renew their
35 registration annually; specifying requirements for a
36 renewal application; requiring registrants to be made
37 inactive for a specified timeframe under certain
38 circumstances; prohibiting registrants from conducting
39 business while registration is inactive; specifying
40 requirements for registrants to renew an inactive
41 registration; providing that a renewal registration
42 becomes effective on a specified date; requiring the
43 office to approve applications for renewal
44 registration within a specified timeframe; providing
45 that a registration expires under certain
46 circumstances; providing requirements if a
47 registration expires; authorizing the office to deny
48 certain applications under certain circumstances;
49 providing that certain false statements made by a
50 virtual currency kiosk business render its
51 registration void; providing construction; creating s.
52 560.504, F.S.; requiring a virtual currency kiosk
53 business to ensure that its virtual currency kiosk
54 requires certain attestations from the customer and
55 displays a certain disclosure; creating s. 560.505,
56 F.S.; prohibiting a virtual currency kiosk business
57 from permitting new or existing customers from
58 transacting more than specified dollar amounts per

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59 calendar day; creating s. 560.506, F.S.; requiring a
60 virtual currency kiosk business to provide a customer
61 with a specified physical or electronic receipt upon
62 completion of a virtual currency transaction; creating
63 s. 560.507, F.S.; requiring a virtual currency kiosk
64 business to issue a full refund under certain
65 circumstances; providing effective dates.

66

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

68

69 Section 1. Subsection (23) of section 560.103, Florida
70 Statutes, is amended, and subsections (37), (38), and (39) are
71 added to that section, to read:

72 560.103 Definitions.—As used in this chapter, the term:

73 (23) “Money services business” means any person located in
74 or doing business in this state, from this state, or into this
75 state from locations outside this state or country who acts as a
76 payment instrument seller, foreign currency exchanger, check
77 casher, ~~or~~ money transmitter, or virtual currency kiosk
78 business.

79 (37) “Virtual currency kiosk” means an electronic terminal
80 that acts as a mechanical agent of the kiosk business, enabling
81 the kiosk business to facilitate the exchange of virtual
82 currency for fiat currency or other virtual currency for a
83 customer.

84 (38) “Virtual currency kiosk business” or “kiosk business”
85 means a corporation, limited liability company, limited
86 liability partnership, or foreign entity qualified to do
87 business in this state which offers virtual currency kiosk

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88 services to a customer in this state.

89 (39) "Virtual currency kiosk transaction" means the process
90 by which a customer uses a virtual currency kiosk to exchange
91 virtual currency for fiat currency or other virtual currency. A
92 transaction begins at the point at which the customer is able to
93 initiate a transaction after the customer is given the option to
94 select the type of transaction or account and does not include
95 any of the screens that display the required terms and
96 conditions, disclaimers, or attestations.

97 Section 2. Paragraph (b) of subsection (2) of section
98 560.105, Florida Statutes, is amended to read:

99 560.105 Supervisory powers; rulemaking.—

100 (2) The commission may adopt rules pursuant to ss.
101 120.536(1) and 120.54 to administer this chapter.

102 (b) Rules adopted to regulate money services businesses,
103 including deferred presentment providers and virtual currency
104 kiosk businesses, must be responsive to changes in economic
105 conditions, technology, and industry practices.

106 Section 3. Paragraph (w) of subsection (1) of section
107 560.114, Florida Statutes, is amended to read:

108 560.114 Disciplinary actions; penalties.—

109 (1) The following actions by a money services business,
110 authorized vendor, or affiliated party constitute grounds for
111 the issuance of a cease and desist order; the issuance of a
112 removal order; the denial, suspension, or revocation of a
113 license; or taking any other action within the authority of the
114 office pursuant to this chapter:

115 (w) Engaging or advertising engagement in the business of a
116 money services business or deferred presentment provider without

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117 a license or registration, unless exempted from licensure or
118 registration.

119 Section 4. Section 560.125, Florida Statutes, is amended to
120 read:

121 560.125 Unlicensed or unregistered activity; penalties.—

122 (1) A person may not engage in the business of a money
123 services business or deferred presentment provider in this state
124 unless the person is licensed or registered, or exempted from
125 licensure or registration under this chapter. A deferred
126 presentment transaction conducted by a person not authorized to
127 conduct such transaction under this chapter is void, and the
128 unauthorized person has no right to collect, receive, or retain
129 any principal, interest, or charges relating to such
130 transaction.

131 (2) Only a money services business licensed under part II
132 of this chapter may appoint an authorized vendor. Any person
133 acting as a vendor for an unlicensed money transmitter or
134 payment instrument issuer becomes the principal thereof, and no
135 longer merely acts as a vendor, and is liable to the holder or
136 remitter as a principal money transmitter or payment instrument
137 seller.

138 (3) Any person whose substantial interests are affected by
139 a proceeding brought by the office pursuant to this chapter may,
140 pursuant to s. 560.113, petition any court of competent
141 jurisdiction to enjoin the person or activity that is the
142 subject of the proceeding from violating any of the provisions
143 of this section. For the purpose of this subsection, any money
144 services business licensed under this chapter, any person
145 residing in this state, and any person whose principal place of

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146 business is in this state are presumed to be substantially
147 affected. In addition, the interests of a trade organization or
148 association are deemed substantially affected if the interests
149 of any of its members are affected.

150 (4) The office may issue and serve upon any person who
151 violates any of the provisions of this section a complaint
152 seeking a cease and desist order or impose an administrative
153 fine as provided in s. 560.114.

154 (5) A person who violates this section, if the violation
155 involves:

156 (a) Currency, monetary value, payment instruments, or
157 virtual currency of a value exceeding \$300 but less than \$20,000
158 in any 12-month period, commits a felony of the third degree,
159 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

160 (b) Currency, monetary value, payment instruments, or
161 virtual currency of a value totaling or exceeding \$20,000 but
162 less than \$100,000 in any 12-month period, commits a felony of
163 the second degree, punishable as provided in s. 775.082, s.
164 775.083, or s. 775.084.

165 (c) Currency, monetary value, payment instruments, or
166 virtual currency of a value totaling or exceeding \$100,000 in
167 any 12-month period, commits a felony of the first degree,
168 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

169 (6) In addition to the penalties authorized by s. 775.082,
170 s. 775.083, or s. 775.084, a person who has been convicted of,
171 or entered a plea of guilty or nolo contendere to, having
172 violated this section may be sentenced to pay a fine of up to
173 the greater of \$250,000 or twice the value of the currency,
174 monetary value, payment instruments, or virtual currency, except

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175 that on a second or subsequent violation of this section the
176 fine may be up to the greater of \$500,000 or quintuple the value
177 of the currency, monetary value, payment instruments, or virtual
178 currency.

179 (7) A person who violates this section is also liable for a
180 civil penalty of up to the greater of the value of the currency,
181 monetary value, payment instruments, or virtual currency
182 involved or \$25,000.

183 (8) In any prosecution brought pursuant to this section,
184 the common law corpus delicti rule does not apply. The
185 defendant's confession or admission is admissible during trial
186 without the state having to prove the corpus delicti if the
187 court finds in a hearing conducted outside the presence of the
188 jury that the defendant's confession or admission is
189 trustworthy. Before the court admits the defendant's confession
190 or admission, the state must prove by a preponderance of the
191 evidence that there is sufficient corroborating evidence that
192 tends to establish the trustworthiness of the statement by the
193 defendant. Hearsay evidence is admissible during the
194 presentation of evidence at the hearing. In making its
195 determination, the court may consider all relevant corroborating
196 evidence, including the defendant's statements.

197 Section 5. Part V of chapter 560, Florida Statutes,
198 consisting of ss. 560.501-560.507, Florida Statutes, is created
199 and entitled "Virtual Currency Kiosk Businesses."

200 Section 6. Section 560.501, Florida Statutes, is created to
201 read:

202 560.501 Definitions.—For purposes of this part, the term:
203 (1) "Blockchain" means a mathematically secured,

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204 chronological, decentralized, distributed, and digital ledger or
205 database that consists of records of transactions that cannot be
206 altered retroactively.

207 (2) "Blockchain analytics" means the process of examining,
208 monitoring, and gathering insights from the data and transaction
209 patterns on a blockchain network. The primary aims of blockchain
210 analytics are to understand and monitor the network's health,
211 track transaction flows, and identify potential security
212 threats, including illicit activity, in order to extract
213 actionable insights.

214 (3) "Daily transaction limit" means a new customer being
215 limited to no more than \$2,000 in transactions per calendar day,
216 or an existing customer being limited to no more than \$10,000 in
217 transactions per calendar day, whether through a single
218 transaction or multiple transactions or whether through one or
219 more virtual currency kiosks.

220 (4) "Existing customer" means a customer who has transacted
221 with a kiosk business on its virtual currency kiosk for 7 or
222 more days.

223 (5) "New customer" means a customer who has transacted with
224 a kiosk business on its virtual currency kiosk for fewer than 7
225 days.

226 (6) "Registrant" means a corporation, limited liability
227 company, limited liability partnership, or foreign entity
228 qualified to do business in this state which offers virtual
229 currency kiosk services and receives notice from the office that
230 the agency has granted an application for registration pursuant
231 to the provisions of this part.

232 (7) "Transaction hash" means a unique identifier consisting

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233 of a string of characters which provides a verifiable record
234 that a transaction has been confirmed and added to the
235 blockchain.

236 (8) "Wallet" means hardware or software that enables a
237 customer to store, use, send, receive, and spend virtual
238 currency or store virtual currency private keys or passcodes
239 enabling the same.

240 Section 7. Effective March 1, 2027, section 560.502,
241 Florida Statutes, is created to read:

242 560.502 Registration required; exemptions; penalties.—

243 (1) Except as provided in subsection (2), a virtual
244 currency kiosk business may not operate in this state without
245 first registering, or renewing its registration, in accordance
246 with s. 560.503. The office shall give written notice to each
247 applicant that the office has granted or denied the application
248 for registration.

249 (2) A money transmitter that is licensed as a money
250 services business pursuant to s. 560.141 and offers virtual
251 currency kiosk services is exempt from registration as a virtual
252 currency kiosk business but is subject to ss. 560.504, 560.505,
253 560.506, and 560.507.

254 (3) An entity, in the course of its business, may not act
255 as an intermediary with the ability to unilaterally execute or
256 indefinitely prevent a virtual currency kiosk transaction, or
257 otherwise meet the definition of a money transmitter as defined
258 in s. 560.103, without being licensed as a money services
259 business pursuant to s. 560.141.

260 (4) A virtual currency kiosk business registration issued
261 under this part is not transferable or assignable.

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262 Section 8. Section 560.503, Florida Statutes, is created to
263 read:

264 560.503 Registration applications.—

265 (1) To apply to be registered as a virtual currency kiosk
266 business under this part, the applicant must submit all of the
267 following information to the office:

268 (a) A completed registration application on forms
269 prescribed by rule of the commission. The application must
270 include the following information:

271 1. The legal name, including any fictitious or trade names
272 used by the applicant in the conduct of its business, and the
273 physical and mailing addresses of the applicant.

274 2. The date of the applicant's formation and the state in
275 which the applicant was formed, if applicable.

276 3. The name, social security number, alien identification
277 or taxpayer identification number, business and residence
278 addresses, and employment history for the past 5 years for each
279 control person as defined in s. 560.103.

280 4. A description of the organizational structure of the
281 applicant, including the identity of any parent or subsidiary of
282 the applicant, and the disclosure of whether any parent or
283 subsidiary is publicly traded.

284 5. The name and mailing address of the registered agent in
285 this state for service of process.

286 6. The physical address of the location of each virtual
287 currency kiosk through which the applicant proposes to conduct
288 or is conducting business in this state.

289 7. An attestation that the applicant has developed clearly
290 documented policies, processes, and procedures regarding the use

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291 of blockchain analytics to prevent transfers to wallet addresses
292 linked to known criminal activity, including the manner in which
293 such blockchain analytics activity will integrate into its
294 compliance controls, and that the applicant will maintain and
295 comply with such blockchain analytics policies, processes, and
296 procedures.

297 8. Any other information as required by this chapter or
298 commission rule.

299 (b) Any information needed to resolve any deficiencies
300 found in the application within a time period prescribed by
301 rule.

302 (2) A virtual currency kiosk business operating in this
303 state on or before January 1, 2027, must submit a registration
304 application to the office within 30 days after that date.

305 (3) A registrant shall report, on a form prescribed by rule
306 of the commission, any change in the information contained in
307 the initial application form or an amendment thereto within 30
308 days after the change is effective.

309 (4) A registrant must renew its registration annually on or
310 before December 31 of the year preceding the expiration date of
311 the registration. To renew such registration, the registrant
312 must submit a renewal application that provides:

313 (a) The information required in paragraph (1) (a) if there
314 are changes in the application information, or an affidavit
315 signed by the registrant that the information remains the same
316 as the prior year's information.

317 (b) Upon request by the office, evidence that the
318 registrant has been operating in compliance with ss. 560.504,
319 560.505, 560.506, and 560.507. Such evidence may be prescribed

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320 by rule by the commission and may include, but need not be
321 limited to, all of the following:

322 1. Current disclosures presented to customers during the
323 transaction process.

324 2. Current use of blockchain analytics to prevent transfers
325 to wallet addresses linked to known criminal activity.

326 (5) A registrant that does not renew its registration by
327 December 31 of the year preceding expiration shall be made
328 inactive for 60 days. A registrant may not conduct business
329 while its registration is inactive.

330 (6) To renew an inactive registration, a registrant must,
331 within 60 days after the registration becomes inactive, submit
332 all of the following:

333 (a) The information required in paragraph (1) (a) if there
334 are changes in the application information, or an affidavit
335 signed by the registrant that the information remains the same
336 as the prior year's information.

337 (b) Evidence that the registrant was operating in
338 compliance with ss. 560.504, 560.505, 560.506, and 560.507. Such
339 evidence may be prescribed by rule by the commission and may
340 include, but need not be limited to, all of the following:

341 1. Current disclosures presented to customers during the
342 transaction process.

343 2. Reports that confirm compliance with daily transaction
344 limits.

345 3. Copies of receipts provided to customers.

346 4. Records showing refunds provided to customers in
347 required circumstances.

348 5. Current use of blockchain analytics to prevent transfers

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349 to wallet addresses linked to known criminal activity.

350

351 Any renewal registration made pursuant to this subsection
352 becomes effective upon the date the office approves the
353 application for registration. The office shall approve the
354 application for renewal registration within a timeframe
355 prescribed by rule.

356 (7) Except as provided in s. 560.502(2), failure to submit
357 an application to renew a virtual currency kiosk business's
358 registration within 60 days after the registration becomes
359 inactive shall result in the registration becoming expired. If
360 the registration is expired, a new application to register the
361 virtual currency kiosk business pursuant to subsection (1) must
362 be submitted to the office and a certification of registration
363 must be issued by the office before the virtual currency kiosk
364 business may conduct business in this state.

365 (8) If a control person of a registrant or prospective
366 registrant has engaged in any unlawful business practice, or
367 been convicted or found guilty of, or pled guilty or nolo
368 contendere to, regardless of adjudication, a crime involving
369 dishonest dealing, fraud, acts of moral turpitude, or other acts
370 that reflect an inability to engage lawfully in the business of
371 a registered virtual currency kiosk business, the office may
372 deny the prospective registrant's initial registration
373 application or the registrant's renewal application.

374 (9) The office shall deny the application of a virtual
375 currency kiosk business that submits a renewal application and
376 fails to provide evidence of compliance upon request pursuant to
377 paragraph (4)(b) or as required in paragraph (6)(b).

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378 (10) Any false statement made by a virtual currency kiosk
379 business in an application for registration under this section
380 renders the registration void. A void registration may not be
381 construed as creating a defense to any prosecution for violation
382 of this chapter.

383 Section 9. Section 560.504, Florida Statutes, is created to
384 read:

385 560.504 Disclosures.—Before a customer initiates a virtual
386 currency kiosk transaction, a virtual currency kiosk business
387 must ensure that its virtual currency kiosk:

388 (1) Requires the customer to confirm whether the customer
389 has conducted any transactions at another virtual currency kiosk
390 on the same calendar day and any amount of such transactions to
391 determine how much, if any, the customer may transact at the
392 virtual currency kiosk before reaching the appropriate daily
393 transaction limit.

394 (2) Clearly and conspicuously display the following
395 disclosure to the customer on the screen:

396

397 WARNING: FRAUD OFTEN STARTS WITH CONTACT FROM A
398 STRANGER. IF YOU HAVE BEEN DIRECTED TO THIS MACHINE BY
399 SOMEONE CLAIMING TO BE A GOVERNMENT AGENT, BILL
400 COLLECTOR, LAW ENFORCEMENT OFFICER, OR ANYONE YOU DO
401 NOT KNOW PERSONALLY, STOP THIS TRANSACTION IMMEDIATELY
402 AND CONTACT YOUR FINANCIAL ADVISOR OR LOCAL LAW
403 ENFORCEMENT.

404

405 Section 10. Section 560.505, Florida Statutes, is created
406 to read:

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407 560.505 Transaction limits.—A virtual currency kiosk
408 business may not permit a new customer to transact more than
409 \$2,000 per calendar day, whether through a single transaction or
410 multiple transactions or whether through one or more virtual
411 currency kiosks. A virtual currency kiosk business may not
412 permit an existing customer to transact more than \$10,000 per
413 calendar day, whether through a single transaction or multiple
414 transactions or whether through one or more virtual currency
415 kiosks.

416 Section 11. Section 560.506, Florida Statutes, is created
417 to read:

418 560.506 Mandatory receipt.—Upon completion of a virtual
419 currency transaction, the virtual currency kiosk business must
420 provide the customer with a choice of a physical or electronic
421 receipt that includes all of the following:

422 (1) The name and contact information of the virtual
423 currency kiosk business, including an e-mail address and a toll-
424 free telephone number for such business.

425 (2) The date, time, amount of the transaction in United
426 States dollars, and type of transaction.

427 (3) The transaction hash and each wallet used.

428 (4) The total fee charged for the transaction.

429 (5) The exchange rate, if applicable.

430 (6) A statement of the virtual currency kiosk's liability,
431 if any, for nondelivery or delayed delivery of the virtual
432 currency.

433 (7) The refund policy of the virtual currency kiosk
434 business.

435 Section 12. Section 560.507, Florida Statutes, is created

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436 to read:

437 560.507 Mandatory refund.—A virtual currency kiosk business
438 must issue a full refund within 72 hours to a customer for the
439 customer's first virtual currency transaction if all of the
440 following conditions are met:

441 (1) Within 60 days, the customer notifies the virtual
442 currency kiosk business and a law enforcement or governmental
443 agency regarding the fraudulent nature of the transaction.

444 (2) The customer provides proof of the alleged fraud to the
445 virtual currency kiosk business, such as a police report or a
446 notarized affidavit.

447 Section 13. Except as otherwise expressly provided in this
448 act, this act shall take effect January 1, 2027.