

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: CS/SB 314

INTRODUCER: Banking and Insurance Committee and Senator Burton

SUBJECT: Issuers of Digital Assets

DATE: February 6, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Fav/CS
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 314 establishes a regulatory framework for state qualified payment stablecoin issuers (“issuers”) of stablecoins that is substantially similar to the Guiding and Establishing National Innovation for U.S. Stablecoins Act (“GENIUS Act”). The bill establishes issuers as a separate category of money services business, prohibits a person from engaging in authorized issuer activity without being registered with the OFR, and provides requirements that must be met for issuers to become registered.

The bill provides that certain issuers are not required to register, including licensed MSBs and trust companies. Issuers may not engage in any activities except those authorized in the bill unless they are licensed for the other financial business activity. The bill provides that stablecoins that meet the requirements in the bill are not a security. Several types of transactions are not regulated under the provisions in the bill. The bill requires an issuer with a consolidated total issuance that reaches \$10 billion to transition to federal oversight unless a waiver is obtained.

The bill requires an issuer to comply with minimum prudential requirements in accordance with the GENIUS Act. The requirements adopt most of the requirements in the GENIUS Act except those that are inapplicable given the limited authority of the state to regulate certain issuers based on the type of entity or their consolidated total value of stablecoin issuance.

The Office of Financial Regulation (OFR) must comply with certification and annual recertification requirements as provided in the GENIUS Act. The bill requires the OFR to submit

its initial certification application and recertification application within specified timeframes. The OFR must include relevant information relating to issuers under MSB and trust company provisions in seeking certification for the state regulatory regime for stablecoins.

Provisions in current law are updated to apply to registered issuers and stablecoins, including unlicensed activities, anti-money laundering laws, and disciplinary actions. The OFR is required to adopt rules as required under the GENIUS Act and has authority to adopt rules relating to several topics to implement the provisions of the bill.

The bill has an indeterminate fiscal impact. See Section V. Fiscal Impact.

The bill is effective upon becoming a law.

II. Present Situation:

There are approximately 300 stablecoins issued¹ with a market cap of over \$300 billion.² Stablecoin transaction volume in August 2025 totaled \$969.9 billion.³ Tether and USDC are the top two stablecoin issuers based on their market cap of \$187.03 billion and \$75.43 billion, respectively.⁴

Stablecoins are a type of digital asset that maintain a stable value relative to a referenced asset, such as the United States dollar or another fiat currency, or a commodity like gold.⁵ Such value usually tracks the referenced assets on a one-for-one basis and may use different methods to maintain a stable value, such as holding the referenced asset in reserves or applying algorithms that “increase or decrease the supply of stablecoins in response to demand.”⁶

A stablecoin is created in the form of a digital token and logged on a shared digital ledger.⁷ Some reported benefits of stablecoins include: fast transactions, transparency, programmability, unrestricted availability, minimal cost, global access, and flexibility in models.⁸ Some risks or challenges include: liquidity gaps, technology and integration challenges, regulatory uncertainty, trustworthiness of issuers and custodians, market risks, a lack of understanding about stablecoins, and costs to convert from fiat currencies to stablecoins.⁹

¹ Kemmerer, D., *Stablecoin Market Share and Transaction Volume – [September 2025 Data]*, CoinLedger, Dec. 8, 2025, available at: [Stablecoin Market Share and Transaction Volume - \[September 2025 Data\] | CoinLedger](#) (last visited Jan. 4, 2026) (hereinafter cited as “Stablecoin Market Share and Transaction Volume Article”).

² Forbes, *Top Stablecoins Coins Today by Market Cap*, available at: [Top Stablecoins Coins By Market Cap | Forbes](#) (last visited Jan. 4, 2026).

³ Stablecoin Market Share and Transaction Volume Article.

⁴ *Id.*

⁵ The Securities and Exchange Commission, *Stablecoins*, Apr. 4, 2025, available at: [SEC.gov | Statement on Stablecoins](#) (last visited Jan. 4, 2026).

⁶ *Id.*

⁷ Association for Financial Professionals, *Stablecoins*, available at: [Stablecoins | Benefits and Risks for Treasury and Payments Teams](#) (last visited Jan. 4, 2026) (hereinafter cited as “AFP Stablecoins Article”).

⁸ *Id.*; Forbes, *What Are Stablecoins and How Can One Use Them for Payments?*, Oct. 13, 2024, available at: [What Are Stablecoins And How Can One Use Them For Payments in October 2025?](#) (last visited Jan. 4, 2026).

⁹ AFP Stablecoins Article.

Stablecoin Regulation

Last year, the Guiding and Establishing National Innovation for U.S. Stablecoins Act (the “GENIUS Act”)¹⁰ was passed to regulate stablecoins. Prior to the GENIUS Act, New York passed comprehensive legislation relating to virtual currencies, including stablecoins. Several states attempted to pass legislation in 2025, and some states have pending legislation now to regulate the industry.

Federal Law

GENIUS Act

The GENIUS Act was signed into law on July 18, 2025, and is effective January 2027 or 120 days after final regulations implementing the Act are issued, whichever is earlier. The GENIUS Act establishes a framework for the regulation of payment stablecoin issuers, and restricts the issuance, offer, or sale of a payment stablecoin¹¹ to permitted payment stablecoin issuers,^{12,13} which must comply with several requirements, such as:¹⁴

- Maintain identifiable reserves backing the outstanding payment stablecoins on at least a one-to-one basis¹⁵ comprising on specified types of reserves, such as U.S. coin and currency.
- Publicly disclose the issuer’s redemption policy that meets certain criteria.
- Publish the monthly composition of the issuer’s reserve on its website containing specified information.

¹⁰ Guiding and Establishing National Innovation for U.S. Stablecoin Act, Pub. L. 119-27 (July 18, 2025).

¹¹ 12 U.S.C. s. 5901(22) defines “payment stablecoin” as (A) a digital asset – (A) that is, or is designed to be, used as a means of payment or settlement; and (ii) the issuer of which – (I) is obligated to convert, redeem, or repurchase for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and (II) represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value; and (B) does not include a digital asset that – (i) is a national currency; (ii) is a deposit (as defined in section 1813 of Title 12), including a deposit recorded using distributed ledger technology; or (iii) is a security, as defined in section 77b of title 15, section 78c of title 15, or section 80a-2 of title 15, except that, for the avoidance of doubt, no bond, note, evidence of indebtedness, or investment contract that was issued by a permitted payment stablecoin issuer shall qualify as a security solely by virtue of its satisfying the conditions described in subparagraph (A), consistent with section 17 of this Act.

¹² 12 U.S.C. s. 5901(23) defines “permitted payment stablecoin issuer” as a person formed in the United States that is – (A) a subsidiary of an insured depository institution that has been approved to issue payment stablecoins under section 5904 of title 12; (B) a federal qualified payment stablecoins issuer; or (C) a state qualified payment stablecoin issuer. 12 U.S.C. s. 5901(11) defines “federal qualified payment stablecoin issuer” as (A) a nonbank entity, other than a state qualified payment stablecoin issuer, approved by the Comptroller, pursuant to section 5904 of title 12, to issue payment stablecoins; (B) an uninsured national bank – (i) that is chartered by the Comptroller, pursuant to title LXII of the Revised Statutes; and (ii) that is approved by the Comptroller, pursuant to section 5904 of this title, to issue payment stablecoins; and (C) a federal branch that is approved by the Comptroller, pursuant to section 5904 of this title, to issue payment stablecoins. 12 U.S.C. s. 5901(31) defines “state qualified payment stablecoin issuer” as 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.

¹³ 12 U.S.C. s. 5902(a).

¹⁴ 12 U.S.C. s. 5903(a)(1).

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

A permitted payment stablecoin issuer must have monthly reports examined by a registered public accounting firm.¹⁶ The GENIUS Act requires the primary federal payment stablecoin regulator (the “federal regulator”),¹⁷ or the state payment stablecoin regulator (the “state regulator”) for a state payment stablecoin regulatory regime, to issue regulations implementing:

- Capital requirements that meet certain criteria;
- Liquidity standards;
- Reserve asset diversification and interest rate risk management standards; and
- Appropriate operational, compliance and information technology risk management principles-based requirements and standards.¹⁸

The GENIUS Act creates a tiered oversight model between federal and state authorities. A state regulator has authority to supervise, examine, and enforce all state qualified payment stablecoin issuers (the “state issuers”),¹⁹ and may enter into a memorandum of understanding with the Board to allow the Board to participate in the supervision, examination, and enforcement of GENIUS Act regulations with respect to state issuers.²⁰ A state issuer that has consolidated total outstanding issuance of less than \$10 billion may choose to be regulated under a state-level regulatory regime provided such regime is “substantially similar” to the GENIUS Act regulatory framework.²¹

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.²² 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. If a state complies with certain requirements, such as establishing a prudential 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 Act, then the state issuer is presumptively approved for a waiver.²³

¹⁶ 12 U.S.C. s. 5903(a)(3). 12 U.S.C. s. 5901(26) provides the term “registered public accounting firm” has the same meaning as the term is given under section 7201 of title 15. 15 U.S.C. s. 7201 defines “registered public accounting firm” as a public accounting firm registered with the Public Company Accounting Oversight Board in accordance with Public Company Accounting Reform and Corporate Responsibility Act.

¹⁷ 12 U.S.C. s. 5901(25) defines “primary federal payment stablecoin regulator” to mean – (A) with respect to a subsidiary of an insured depository institution (other than an insured credit union), the appropriate federal banking agency of such insured depository institution; (B) with respect to an insured credit union or a subsidiary of an insured credit union, the National Credit Union Administration; (C) with respect to a State chartered depository institution not specified under subparagraph (A), the Federal Deposit Insurance Corporation, the Office of the Comptroller (the “Comptroller”), or the Board of Governors of the Federal Reserve System (the “Board”); and (D) with respect to a federal qualified payment stablecoin issuer, the Comptroller.

¹⁸ 12 U.S.C. s. 5903(a)(4).

¹⁹ 12 U.S.C. s. 5906(a).

²⁰ 12 U.S.C. s. 5906(b).

²¹ 12 U.S.C. s. 5903(c).

²² 12 U.S.C. s. 5903(d).

²³ *Id.*

Other Federal Regulation

Digital Asset Market Clarity Act of 2025 (the “CLARITY Act”)²⁴ establishes a regulatory framework for digital commodities²⁵ that are defined as digital assets²⁶ and rely upon blockchain²⁷ for their value.²⁸ The CLARITY Act requires a digital commodity broker, dealer, or exchange to register with the Commodity Futures Trading Commission unless an exemption applies,²⁹ and requires a digital commodities transaction to meet specified requirements including qualifications to trade on an exchange.³⁰ While the CLARITY Act is consistent with the GENIUS Act in that it does not authorize interest or yield on stablecoins, there has been some discussion and negotiation about allowing interest, yield, or activity-based rewards.³¹ The CLARITY Act has passed the House and is currently in the Senate – Banking, Housing, and Urban Affairs Committee.³²

Florida Regulation

Florida law does not specifically address the regulation of payment stablecoin issuers. Entities engaging in the issuance or redemption of payment stablecoins may fall within the scope of ch. 560, F.S., relating to money services businesses, as payment instrument sellers. The OFR reports that if Florida does not enact a state framework for payment stablecoins then the state’s oversight would be limited to violations of the Florida Deceptive and Unfair Trade Act and related laws. Stablecoin issuers operating in Florida would be required to obtain licensure in another state or at the federal level.³³

²⁴ *The CLARITY Act*, H.R. 3633 – 119th Congress (2025), available at: [H.R.3633 - 119th Congress \(2025-2026\): Digital Asset Market Clarity Act of 2025 | Congress.gov | Library of Congress](https://www.congress.gov/bills/119/house/3633/summary) (last visited Jan. 5, 2026) (hereinafter cited as “The CLARITY Act”).

²⁵ The CLARITY Act defines “digital commodity” as having the given that term under section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

²⁶ *Id.* defines “digital asset” as any digital representation of value which is recorded on a cryptographically-secured distributed ledger or similar technology.

²⁷ *Id.* defines “blockchain” as (A) any technology – (i) where data is – (I) shared across a network to create a distributed ledger of independently verifiable transactions or information among network participants; (II) linked using cryptography to maintain the integrity of the distributed ledger and to execute other functions; and (III) propagated among network participants to reach consensus on the state of the distributed ledger and any other function; and (ii) composed of source code that is publicly available; and (B) any similar technology to the technology described in (A).”

²⁸ Congress.Gov, *Summary: H.R. 3633 – 119th Congress (2025-2026)*, available at: [H.R.3633 - 119th Congress \(2025-2026\): Digital Asset Market Clarity Act of 2025 | Congress.gov | Library of Congress](https://www.congress.gov/bills/119/house/3633/summary) (last visited Jan. 5, 2025).

²⁹ *Id.*

³⁰ The CLARITY Act.

³¹ See Holtz-Eakin, D., *Some Clarity on GENIUS?* American Action Forum, Jan. 7, 2026, available at: [Some Clarity on GENIUS? - AAF](https://www.aaf.org/insights/some-clarity-on-genius/); Schwartz, L., *Landmark Crypto Bill on Knife’s Edge as Coinbase CEO Pulls Support Ahead of Key Senate Vote*, Fortune, Jan. 14, 2026, available at: [Landmark crypto bill on knife’s edge as Coinbase CEO pulls support ahead of key Senate vote | Fortune](https://fortune.com/2026/01/14/landmark-crypto-bill-on-knifes-edge-as-coinbase-ceo-pulls-support-ahead-of-key-senate-vote/); Shen, T. and Wynn, S., *Senate Unveils Updated Market Structure Bill Limiting Stablecoin Rewards on Idle Holdings*, available at: [Senate unveils updated market structure bill limiting stablecoin rewards on idle holdings | The Block](https://www.sec.gov/news/press/20260114-senate-unveils-updated-market-structure-bill-limiting-stablecoin-rewards-on-idle-holdings-the-block) (all sites last visited Jan. 31, 2026).

³² Congress.Gov, *H.R.3633 – Digital Asset Market Clarity Act of 2025*, available at: [H.R.3633 - 119th Congress \(2025-2026\): Digital Asset Market Clarity Act of 2025 | Congress.gov | Library of Congress](https://www.congress.gov/bills/119/house/3633/summary) (last visited Jan. 5, 2026).

³³ The OFR, *2026 Agency Legislative Bill Analysis, Florida Office of Financial Regulation*, p. 4, Oct. 30, 2025 (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as “2026 OFR Agency Analysis for SB 314”).

Other State Regulation

In 2015, New York passed legislation³⁴ relating to the conduct of virtual currency,³⁵ which includes stablecoins.³⁶ In 2022, the New York Department of Financial Services (NY DFS) issued guidance regarding the regulation of stablecoins and specified several requirements that must be met for NY DFS-regulated virtual currency entities, such as backing and redeemability, reserves, and attestations relating to stablecoins.³⁷

In 2023, California passed the Digital Financial Assets Law creating a regulatory framework for certain crypto activities allowing stablecoins to be exchanged, transferred, or stored only if the issuer of the stablecoin:

- Is an applicant, is licensed, or is a bank, trust company, or national association authorized under federal law to engage in a trust banking business; and
- Owns eligible securities having an aggregate market value of not less than the aggregate amount of all of its outstanding stablecoins issued or sold.³⁸

In 2023, Texas passed the Money Services Modernization Act that defines “money “ or “monetary value” that includes stablecoin that:

- Is pegged to a sovereign currency;
- Is fully backed by assets held in reserve; and
- Grants a holder of the stablecoin the right to redeem the stablecoin for sovereign currency from the issuer.³⁹

³⁴ N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.1.

³⁵ N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(p) defines “virtual currency” as any type of digital unit that is used as a medium of exchange or a form of digitally stored value. Virtual currency shall be broadly construed to include digital units of exchange that: (i) have a centralized repository or administrator; (ii) are decentralized and have no centralized repository or administrator; or (iii) may be created or obtained by computing or manufacturing effort. Virtual currency shall not be construed to include any of the following: (1) digital units that (i) are used solely within online gaming platforms, (ii) have no market or application outside of those gaming platforms, (iii) cannot be converted into, or redeemed for, fiat currency or virtual currency, and (iv) may or may not be redeemable for real-world goods, services, discounts, or purchases; (2) digital units that can be redeemed for goods, services, discounts, or purchases as part of a customer affinity or rewards program with the issuer and/or other designated merchants or can be redeemed for digital units in another customer affinity or rewards program, but cannot be converted into, or redeemed for, fiat currency or virtual currency; or (3) digital units used as part of prepaid cards. N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(e) defines “fiat currency” as government-issued currency that is designated as legal tender in its country of issuance through government decree, regulation, or law. N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(j) defines “prepaid cards” as an electronic payment device that: (i) is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, or is usable at multiple, unaffiliated merchants or service providers; (ii) is issued in and for a specified amount of fiat currency; (iii) can be reloaded in and for only fiat currency, if at all; (iv) is issued and/or reloaded on a prepaid basis for the future purchase or delivery of goods or services; (v) is honored upon presentation; and (vi) can be redeemed in and for only fiat currency, if at all.

³⁶ New York Department of Financial Services, *Virtual Currency Guidance*, Jun. 8, 2022, available at: [Industry Letter - June 8, 2022: Guidance on the Issuance of U.S. Dollar-Backed Stablecoins | Department of Financial Services](#) (last visited Jan. 5, 2026).

³⁷ *Id.*

³⁸ Cal. Fin. Code s. 3601 (Division 1.25, Chapter 6 – Stablecoins); California Department of Financial Protection and Innovation, *Digital Financial Assets Law Frequently Asked Questions: Overview*, available at: [Digital Financial Assets Law Frequently Asked Questions - DFPI](#) (last visited Jan. 5, 2026).

³⁹ Tex. Fin. Code s. 152.003(19).

Wyoming passed a few bills relating to stablecoins before the GENUIS Act, one of which authorized special purpose depository institutions to accept deposits, including stablecoins.⁴⁰

California,⁴¹ Missouri,⁴² and Texas⁴³ have pending legislation regulating the business activity of stablecoins but do not explicitly refer to the regulatory requirements under the GENIUS Act. Several states have not convened regular session for 2026 so additional legislation regulating stablecoins could be forthcoming in 2026. Other states filed legislation last session⁴⁴ or have legislation that is pending⁴⁵ this session relating to investment in stablecoins or other stablecoin regulation.⁴⁶

Money Services Businesses

The Office of Financial Regulation (OFR) regulates money services businesses (MSB) under ch. 560, F.S. A “money service business” is defined as 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.⁴⁷ The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.⁴⁸

Unlicensed Activity

A person may not engage in MSB activities in Florida unless the person is licensed or exempted from licensure.⁴⁹ A person who engages in unlicensed activity is subject to penalties, such as currency, monetary value, payment instruments, or virtual currency of a value exceeding \$300 but not less than \$20,000 in any 12-month period, commits a third-degree felony.⁵⁰ In addition to criminal penalties provided under ch. 775, F.S.,⁵¹ a person who is convicted of such an offense may be sentenced to pay a fine of up to the greater of \$250,000 or twice the value of the currency, monetary value, payment instruments, or virtual currency, except potential fines have a higher maximum amount for second or subsequent violations.⁵²

⁴⁰ W.S. s. 13-12-101 et seq.

⁴¹ CA SB 97 (2025-2026).

⁴² MO SB 1177 (2026).

⁴³ TX SB 2922 (2025-2026).

⁴⁴ Utah (HB 230 (2025)) passed legislation authorizing the state treasurer to invest public funds in digital assets, including stablecoins. Iowa (HB 246 (2025-2026)), Massachusetts (SB 1967 (2025-2026)), Montana (HB 429 (2025)), Oregon (HB 2071 (2025)), and Oklahoma (HB 1203 (2025)) attempted to pass legislation to allow public funds to be invested in stablecoins but the bills did not pass.

⁴⁵ Indiana (HB 1042 (2026)), North Carolina (H 92 (2025-2026)), North Dakota (HB 1184 (2025-2026)), and Ohio (HB 18 (2025-2026)) currently have pending legislation that would allow state funds to be invested in stablecoins.

⁴⁶ MI HB 4511 (2025-2026) (restricting prohibitions on specified activities relating to digital assets, such as prohibiting the state from requiring a permit or license for holding digital assets); SC SB 163 (2025-2026) (regulating digital currency use, zoning, mining, taxation, and consumer protections); WY HB 308 (2025) (requiring the state attorney general to investigate certain activity related to stablecoins).

⁴⁷ Section 560.103(23), F.S.

⁴⁸ Section 560.114(1), F.S.

⁴⁹ Section 560.125(1), F.S.

⁵⁰ Section 560.125(5)(a), F.S.

⁵¹ A third-degree felony is punishable as provided in s. 775.082, s. 775.083, and s. 775.084, F.S.

⁵² Section 560.125(6), F.S.

Disciplinary Actions

The OFR has authority to implement several disciplinary actions against a MSB for specified actions, such as failing to comply with the provisions of ch. 560, F.S., certain fraud or misrepresentation conduct, and refusing to allow the examination or inspection of books or files.⁵³ Section 560.114, F.S., provides for the following disciplinary actions:

- Issuing a cease and desist order;
- Issuing a removal order; or
- Denying, suspending, or revoking a license.⁵⁴

Enforcement Provisions

The OFR has authority to engage in enforcement actions against a MSB that violates ch. 560, F.S., including proceedings for any of the following:

- A restraining order;
- An injunction;
- The appointment of a receiver or administrator;
- A restitution order; or
- Any other remedies provided under ch. 560, F.S.⁵⁵

Florida Control of Money Laundering in Money Services Business Act

Anti-money laundering regulation in Florida is similar to some of the Bank Secrecy Act regulations. A MSB has some reporting requirements to the OFR and must retain certain records relating to certain financial transactions.⁵⁶ The OFR is required to retain certain records and has enforcement authority for any violations of the provisions.⁵⁷ A person who willfully violates a provision of the act is subject to criminal sanctions, including first, second, and third degree felonies depending on the value of the transaction.⁵⁸ A person convicted of a crime for violating the act is also subject to fines.⁵⁹

III. Effect of Proposed Changes:

CS/SB 314 establishes a framework for regulating qualified payment stablecoin issuers (“issuer”) as authorized under the GENIUS Act. The bill provides requirements that must be complied with and authorizes the OFR to impose disciplinary action and to engage in enforcement actions.

Section 1 modifies the definition of “money services business” (MSB) to include an issuer as a new category of money services business and defines several terms, which section 12 cross-references, as follows:

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Section 560.113, F.S.

⁵⁶ *See s.* 560.123(3) and (4), F.S.

⁵⁷ Section 560,123(6) and (7), F.S.

⁵⁸ Section 560.123(8), F.S.

⁵⁹ Section 560.123(8)(c), F.S.

“Payment stablecoin” means a digital asset that meets the following criteria:

- Is, or is designed to be, used as a means of payment or settlement; and
- The issuer of which:
 - Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.
- Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.
 - The term does not include:
 - A national currency, which means each of the following:
 - A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act.⁶⁰
 - Money standing to the credit of an account with a Federal Reserve Bank.
 - Money issued by a foreign central bank.
 - Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.
- A deposit as defined in s. 3 of the Federal Deposit Insurance Act⁶¹ including a deposit recorded using distributed ledger technology. The term “distributed ledger” means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.
- A security as defined in s. 517.021,⁶² s. 2 of the Securities Act of 1933,⁶³ s. 3 of the Securities and Exchange Act of 1934,⁶⁴ or s. 2 of the Investment Company Act of 1940.⁶⁵
- “Digital asset” means any digital representation of value that is recorded on a cryptographically secured digital ledger.
- “Qualified payment stablecoin issuer” means an entity legally established under the laws of a state and approved by the OFR to issue payment stablecoins. Section 12 of the bill also provides that the term does not include an insured depository institution, an insured national bank, a federal branch of a foreign bank, or a subsidiary of such entities. The following terms are defined:
 - “Federal branch” means a branch of a foreign bank established and operating under 12 U.S.C. s. 3102.

⁶⁰ 12 U.S.C. s. 411.

⁶¹ 12 U.S.C. s. 1813.

⁶² Section 517.021(33), F.S., defines “security” to include any of the following: (a) a note; (b) a stock; (c) a treasury stock; (d) a bond; (e) a debenture; (f) an evidence of indebtedness; (g) a certificate of deposit; (h) a certificate of deposit for a security; (i) a certificate of interest or participation; (j) a whiskey warehouse receipt or other commodity warehouse receipt; (k) a certificate of interest in a profit-sharing agreement and the right to participate therein; (l) a certificate of interest in an oil, gas, petroleum, mineral, or mining title or lease or the right to participate therein; (m) a collateral trust certificate; (n) a reorganization certificate; (o) a preorganization subscription; (p) a transferrable share; (q) an investment contract; (r) a beneficial interest in title to property, profits, or earnings; (s) an interest in or under a profit-sharing or participation agreement or scheme; (t) an option contract that entitles the holder to purchase or sell a given amount of the underlying security at a fixed price within a specified period of time; (u) any other instrument commonly known as a security, including an interim or temporary bond, debenture, note, or certificate; (v) a receipt for a security, or for subscription to a security, or a right to subscribe to or purchase any security; and (w) a viatical settlement investment.

⁶³ 15 U.S.C. s. 77b.

⁶⁴ 15 U.S.C. s. 78c.

⁶⁵ 15 U.S.C. s. 80a-2.

- “Insured depository institution” means any bank or savings association the deposits of which are insured by the FDIC and insured credit union means any credit union the member accounts of which are insured by the NCUA Board.
- “Subsidiary” means any company that is owned or controlled directly or indirectly by another company and includes any service corporation owned in whole or in part by an insured depository institution or any subsidiary of such service corporation.

Sections 2, 3 and 4 apply to payment stablecoins the following provisions of current law applicable to money services businesses:

- Disciplinary actions and penalties to registered issuers.
- Florida Control of Money Laundering in Money Services Business Act to stablecoins.
- Unlicensed activity and certain penalties to registered issuers.

Section 3 further specifies that an issuer must comply with any anti-money laundering regulation provided in the GENIUS Act.⁶⁶

Section 5 creates part V of ch. 560, F.S., entitled “Payment Stablecoin Issuers” that establishes regulation of issuers.

Unless exempted, section 6 requires persons engaging in the activity of an issuer must register and renew registration with the OFR and receive notification from the OFR that the application for registration as an issuer is approved. The OFR must provide written notice that the OFR has approved or denied the application for registration.

Exemptions from registration as an issuer include a payment instrument seller, foreign currency exchanger, check casher, or money transmitter that is licensed as a money services business and issues payment stablecoins (“stablecoins”) with a consolidated total outstanding issuance of \$10 billion or less. However, such issuers are subject to sections 560.503 and 504.504, F.S., (sections 8 and 9 of the bill, which limit certain activities by issuers and provide minimum requirements for issuers, respectively).

Current law in s. 560.104, F.S., exempts banks, credit unions, trust companies, and other specified entities from chapter 560, F.S., and thus such entities are not subject to the stablecoin regulations of ch. 560, F.S.

Payment stablecoins meeting the requirements of Part V of ch. 560, F.S., are not securities nor subject to ch., 517, F.S., the Florida Securities and Investor Protection Act.

The bill also exempts certain transactions from stablecoin regulation, including:

- The direct transfer of stablecoins between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.
- Any transaction involving the receipt of stablecoins by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

⁶⁶ See Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, ch. 2 of Title I of Pub. No. 91-508, and subchapter II of ch. 53 of Title 31, U.S.C

- Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of stablecoins.

Unless a federal waiver is obtained, if an issuer with a consolidated total outstanding stablecoin issuance reaches a \$10 billion threshold, the issuer must take one of the following transition steps:

- Not later than 360 days after the stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the OFR and the United States Office of the Comptroller of the Currency; or
- Beginning on the date the stablecoin issuance reaches such threshold, cease issuing new stablecoins until the stablecoin falls below the \$10 billion consolidated total outstanding issuance threshold.

An issuer remains subject to the stablecoin regulation under the bill if a federal waiver of the transition requirements is obtained, and the OFR remains solely responsible for supervising the issuer, or if the OFR is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the issuer. The OFR may enter into an agreement with the relevant primary federal stablecoin regulator for the joint supervision of any issuer.

Section 7 of the bill sets out the requirements to apply as an MSB issuer, including the application requirements that must be completed and submitted on a form prescribed by commission rule which must contain:

- The legal name of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business, and the physical and mailing addresses of the applicant.
- The date of the applicant's formation and the state in which the applicant was formed, if applicable.
- The name, social security number, alien identification number or taxpayer identification number, business and residence addresses, and employment history for the past 5 years for each control person.⁶⁷

⁶⁷ Section 560.103, F.S., defines "control person" as, with respect to a money services business, any of the following: (a) A person who holds the title of president, treasurer, chief executive officer, chief financial officer, chief operations officer, chief legal officer, or compliance officer for a money services business; (b) A person who holds any of the officer, general partner, manager, managing member positions named in the money services business's governing documents. The term "governing documents" includes bylaws, articles of incorporation or organization, partnership agreements, shareholder agreements, and management of operating agreements; (c) A director of money services business's board of directors; (d) A shareholder in whose name shares are registered in the records of a corporation for profit, whether incorporated under the laws of this state or organized under the laws of any other jurisdiction and existing in that legal form, who directly or indirectly has the power to vote 25 percent or more of a class of voting securities, or to sell or direct the sale of 25 percent or more of a class of voting securities; (e) A general partner or a limited partner, as those terms are defined in s. 620.1102, F.S., who has a 25 percent or more transferable interest, as defined in s. 620.1102, F.S., of a limited partnership, limited liability limited partnership, foreign limited partnership, or foreign limited liability limited partnership, as those terms are defined in s. 620.1102, F.S.; (f) A member, who is a person that owns a membership interest in a limited liability company or a foreign limited liability company, as those terms are defined in s. 605.0102(36) and (26), F.S., respectively, that holds a 25 percent or more membership interest in such company. The term "membership interest" means a member's right to receive distributions or other rights, such as voting rights or management rights, under the articles of organization; (g) A natural person who indirectly owns 25 percent or more of the shares for stock interest, transferrable interest as defined in s. 620.1102, F.S., or membership interest of any legal entities referred to in this definition.

- A description of the organizational structure of the applicant, including the identity of any parent or subsidiary of the applicant, and a disclosure of whether any parent or subsidiary is publicly traded.
- The name and mailing address of the registered agent in this state for service of process.
- An attestation that the applicant has developed clearly documented policies, processes, and procedures regarding the use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity, including the manner in which such blockchain analytics activity will integrate into its compliance controls, and that the applicant will maintain and comply with such blockchain analytics policies, processes, and procedures.
- Any other information as required in ch. 560, F.S., or commission rule.

Any information needed to resolve deficiencies found in the application must be provided within a time period prescribed by rule. A registrant must report on a prescribed form any change in the information contained in an initial application form or an amendment within 30 days after the change is effective.

The bill also provides for the following renewal registration provisions:

- A registrant must renew its registration annually on or before December 31 of the year preceding the expiration date of the registration. To renew such registration, the registrant must submit a renewal application that provides the information required in the initial registration application if there are changes in the information, or an affidavit signed by the registrant that the information remains the same as the prior year's information.
- Any renewal registration becomes effective on the date the OFR approves the application. The OFR must approve the renewal registration within a timeframe prescribed by rule.
- Failure to submit an application to renew an issuer's registration within 60 days after the registration becomes inactive will result in the registration becoming expired. If the registration is expired, a new application to register the issuer must be submitted to the OFR, and a certification of registration must be issued by the OFR before the issuer may conduct business in this state.
- The OFR must deny the application of an issuer that submits a renewal application that fails to comply with the requirements for initial application requirements.

If a control person of a registrant or prospective registrant has engaged in any unlawful business practice, or has been convicted or found guilty of, or pled guilty or nolo contendere to, regardless of adjudication, a crime involving dishonest dealing, fraud, acts of moral turpitude, or other acts that reflect an inability to engage lawfully in the business of a registered qualified payment stablecoin issuer, the OFR may deny the prospective registrant's initial registration application or the registrant's renewal application.

Any false statement made by an issuer in an application for registration renders the registration void. A void registration may not be construed as creating a defense to any prosecution for violation of ch. 560, F.S.

Section 8 limits and specifies the types of activities that an issuer may engage unless licensed to engage in other financial business activity under ch. 560, F.S., or ch. 655, F.S., including:

- Issue stablecoins.

- Redeem stablecoins.
- Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of Florida.
- Undertake other activities that directly support any of these activities.

Section 9 require an issuer to comply with minimum prudential requirements, in accordance with the GENIUS Act, including:

- Maintain identifiable reserves backing the outstanding stablecoins of the issuer on at least a one-to-one basis, with reserves consisting of any of the following:
- United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.
- Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation (FDIC) and the National Credit Union Administration (NCUA).
- Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.
- Money received under repurchase agreements, with the issuer acting as a seller of securities and with an overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less.
- Reverse purchase agreements, with the issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act.
- Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described above.
- Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the OFR.
- Any of the above type reserve, except money received under repurchase agreements or reverse purchase agreements, in tokenized form if the reserves comply with all applicable laws and regulations.
- Publicly disclose the issuer's redemption policy, which must meet the following requirements:
 - Establish clear and conspicuous procedures for timely redemption of outstanding stablecoins.
 - Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the stablecoins if consumers receive at least 7 days' notice of a change in the fees.
- Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain the following information:
 - The total number of outstanding stablecoins issued by the issuer.
 - The amount and composition of the reserves, including the average tenor and geographic location of custody of each category of reserve instruments.
- Comply with all federal prohibitions on pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for the following purposes:

- Satisfying margin obligations in connection with investments in permitted reserves relating to money received under repurchase agreements or reverse purchase agreements.
- Satisfying obligations associated with the use, receipt, or provision of standard custodial services.
- Creating liquidity to meet reasonable expectations of requests to redeem stablecoins, such that reserves in the form of Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:
 - The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or
 - The issuer receives prior approval from the OFR.
- Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. The term “registered public accounting firm” means a public accounting firm registered with the Public Company Accounting Oversight Board.
- Submit to the OFR each month a certification as to the accuracy of the month-end reserve report by the issuer’s chief executive officer and chief financial officer.
- Comply with any federal regulations or state rules prescribed by commission rule relating to capital, liquidity, and risk management requirements.
- Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.
- Comply with any other federal requirements of s. section 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

An issuer is prohibited from engaging in the following conduct:

- Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from an issuer or agreement not to obtain products or services from a competitor.
- Using deceptive names, including:
 - Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a stablecoin is pegged, such as “USD.”
 - Marketing a stablecoin in such a way that a reasonable person would perceive the stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.
- Unless authorized by federal law, paying the holder of any stablecoin any form of interest or yield solely in connection with holding, use, or retention of such stablecoin.

Section 10 requires the OFR to comply with the following requirements for state certification or recertification by the federal government:

- No later than 20 days after the federal Stablecoin Certification Review Committee (“Committee”) begins accepting certifications or no later than 20 days after the effective date of this act, whichever is later, the OFR must submit an initial certification to the committee on prescribed form attesting that the state regulatory regime meets the criteria for substantial similarity established pursuant to the GENIUS Act.
- No later than the date to be determined by the United States Secretary of the Treasury each year, the OFR must submit to the Committee an additional certification that confirms the accuracy of the initial certification submitted.

- The OFR must comply with the requirements of s. 4(c)(4) of the GENIUS Act to ensure the state receives certification and annual recertification by the Committee of the state regulatory regime.

Section 11 requires the Financial Services Commission (“Commission”) to adopt rules as required by ss. 4(a)(4) and 13 of the GENIUS Act, including rules relating to capital, liquidity, and risk management. The bill also authorizes 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 Committee.

Section 12 of the bill creates s. 658.997, F.S., that creates regulation of issuers that are trust company. The regulation of MSB issuers is substantially similar to the regulation of trust company issuers, except that trust companies are not required to register as issuers since they are already regulated under ch. 658, F.S.⁶⁸

The section is substantively the same regulation of trust company issuers in s. 658.997, F.S., as for MSB issuers in part v, ch. 560, F.S., sections 6 (exemptions and transition to federal oversight but registration is not required), 8 (limitation on stablecoin activities), 9 (minimum prudential requirements, and 11 (rulemaking). The section also requires the state’s certification submissions required in section 10 of the bill to include any relevant information related to the provisions of ch. 658, F.S., in the OFR’s request for certification or recertification of the state’s regulatory regime of stablecoins.

Section 13 of the bill provides an effective date of upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁸ 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., provides that a state bank must obtain before opening and thereafter maintain insurance of its deposits by the FDIC . Failure to apply for insurance by the FDIC within 3 months after approval by the OFR for authority to organize a state bank or a final order by the FDIC denying an applicant’s application for insurance of accounts terminates and revokes the final order issued by the OFR approving the application. Section 658.22, F.S. Section 657.033. F.S., provides that a credit union must obtain and maintain insurance of accounts through the NCUA.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The OFR reports “[t]he fiscal impact for enforcement is indeterminate because the [OFR] does not know how many entities will become registered stablecoin issuers.”⁶⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

Administrative rules promulgated under the GENIUS Act may require amendments to CS/SB 314 or its implementing rules. Further, if the CLARITY Act is enacted, the GENIUS Act and CS/SB 314 may need to be amended. Additional federal legislation and rulemaking related to digital assets remains under consideration which may also require amendments.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 560.103, 560.114, 560.123, 560.125

This bill creates the following sections of the Florida Statutes: 560.2053, 560.501, 560.502, 560.503, 560.504, 560.505, 560.506, 658.997

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on February 4, 2026:

⁶⁹ 2026 OFR Agency Analysis for SB 314.

- Creates a state regulatory framework that is substantially similar to the GENIUS Act, Pub. L. No. 119-27 to regulate payment stablecoin issuers (“issuers”) as money services businesses or trust companies.
- Requires an issuer to be registered, qualify for an exemption, or transition to federal oversight unless a waiver is obtained.
- Requires issuers who must register to comply with application and other requirements.
- Limits the activities that an issuer may engage in regarding stablecoins unless the issuer is licensed to conduct other financial business activities.
- Requires an issuer to comply with minimum prudential requirements.
- Prohibits an issuer from engaging in certain activities, including tying arrangements, using deceptive names, and paying any interest or yields to a holder of stablecoin.
- Conforms money services businesses provisions to apply to registered issuers.
- Clarifies the OFR’s obligations to obtain an initial certification and annual recertification from the federal government.
- Requires the OFR to adopt rules as required under the GENIUS Act.
- Modifies the effective date.

B. Amendments:

None