

Tab 1	CS/SB 326 by JU, Burgess ; Identical to CS/H 00131 Curators of Estates
Tab 2	SB 598 by Truenow ; Compare to CS/H 01231 Funeral, Cemetery, and Consumer Services 834316 A S RCS BI, Truenow Delete L.79 - 546: 02/12 08:50 AM
Tab 3	SB 632 by DiCeglie ; Identical to H 00585 Transportation Network Company, Driver, and Vehicle Owner Insurance
Tab 4	CS/SB 786 by JU, Berman ; Similar to H 00895 Trusts
Tab 5	SB 1110 by Truenow (CO-INTRODUCERS) Smith ; Similar to H 01301 Coverage for Orthotics and Prosthetics Services 277724 D S RCS BI, Truenow Delete everything after 02/12 09:15 AM
Tab 6	SB 1256 by Grali ; Identical to H 01209 Pharmacy Audits
Tab 7	SB 1380 by Martin ; Similar to CS/H 01307 Unauthorized Aliens
Tab 8	SB 1588 by Gruters ; Compare to CS/H 01311 Legal Tender
Tab 9	SPB 7042 by BI ; Legal Tender
Tab 10	SPB 7044 by BI ; Public Records/Custodians of Gold Coin and Silver Coin

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BANKING AND INSURANCE
Senator Gruters, Chair
Senator Sharief, Vice Chair

MEETING DATE: Wednesday, February 11, 2026
TIME: 9:00—11:30 a.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gruters, Chair; Senator Sharief, Vice Chair; Senators Boyd, Burton, Hooper, Martin, Osgood, Passidomo, Pizzo, and Truenow

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 326 Judiciary / Burgess (Identical CS/H 131)	Curators of Estates; Revising the authorization for a court to appoint a curator of estates; revising bond requirements for a curator of estates; clarifying who may subject a curator of estates to removal and surcharge; authorizing the court to require more frequent reporting or additional documents under certain circumstances, etc. JU 02/03/2026 Fav/CS BI 02/11/2026 Favorable RC	Favorable Yeas 9 Nays 0
2	SB 598 Truenow (Compare CS/H 1231)	Funeral, Cemetery, and Consumer Services; Prohibiting a licensee of funeral or cemetery services from entering into certain contracts, agreements, or arrangements; limiting the total liability for damages for certain civil actions against a person or company licensed under ch. 497, F.S.; deleting an exception to the educational requirements for an applicant seeking licensure to be a funeral director; authorizing a licensee or a licensed facility to dispose of human remains in a specified manner if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition, etc. BI 02/11/2026 Fav/CS AEG FP	Fav/CS Yeas 9 Nays 0
3	SB 632 DiCeglie (Identical H 585)	Transportation Network Company, Driver, and Vehicle Owner Insurance; Revising automobile insurance requirements for transportation network companies, transportation network company drivers, and transportation network company vehicle owners, etc. BI 01/13/2026 Temporarily Postponed BI 02/11/2026 Favorable TR RC	Favorable Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Banking and Insurance

Wednesday, February 11, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 786 Judiciary / Berman (Similar H 895)	Trusts; Authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document, etc. JU 02/03/2026 Fav/CS BI 02/11/2026 Favorable RC	Favorable Yeas 9 Nays 0
5	SB 1110 Truenow (Similar H 1301)	Coverage for Orthotics and Prosthetics Services; Authorizing the Agency for Health Care Administration to authorize and pay for specified orthotics and prosthetics services for Medicaid recipients; requiring individual health insurance policies; group, blanket, and franchise health insurance policies; and health maintenance contracts, respectively, to provide coverage for specified orthotics and prosthetics services; prohibiting health insurers and health maintenance organizations from denying claims under certain circumstances, etc. BI 02/11/2026 Fav/CS AHS AP	Fav/CS Yeas 9 Nays 0
6	SB 1256 Grall (Identical H 1209)	Pharmacy Audits; Revising requirements for audits of licensed pharmacies conducted by or on behalf of pharmacy benefit plans or programs; revising audit procedures, documentation requirements, reporting and appeal requirements, and recoupment limits and procedures; authorizing the Office of Insurance Regulation to investigate complaints of violations, issue cease and desist orders, impose fines and other administrative penalties, order restitution for improper recoupments, prohibit any person or entity from conducting audits for a specified timeframe upon certain findings, and suspend or revoke a pharmacy benefit manager's registration under certain circumstances, etc. BI 02/11/2026 Favorable AEG RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Banking and Insurance

Wednesday, February 11, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1380 Martin (Similar H 1307, Compare S 1542)	Unauthorized Aliens; Prohibiting the Department of Financial Services from issuing a license or certification to unauthorized aliens; authorizing a county to require a borrower to provide proof of being lawfully present in the United States; authorizing the Division of Risk Management to approve or deny claims relating to a minor who is an unauthorized alien; requiring that certain procedures, instruction, and testing be conducted in English; prohibiting certain entities and corporations from providing down payment assistance to unauthorized aliens, etc. BI 02/11/2026 Temporarily Postponed AP RC	Temporarily Postponed
8	SB 1588 Gruters (Compare CS/H 1311)	Legal Tender; Revising the definitions of the terms "gold coin" and "silver coin"; revising requirements for gold coin and silver coin recognized as legal tender; deleting a provision regarding examination of certain applicants; revising prohibitions relating to money services businesses; revising license application requirements for certain applicants, etc. BI 02/11/2026 Favorable AEG RC	Favorable Yeas 9 Nays 0
Consideration of proposed bill:			
9	SPB 7042	Legal Tender; (PRELIMINARY DRAFT) providing legislative intent, etc.	Temporarily Postponed
(Preliminary Draft Available - final draft will be made available at least 24 hours prior to the meeting)			
Consideration of proposed bill:			
10	SPB 7044	Public Records/Custodians of Gold Coin and Silver Coin; Expanding a public records exemption for certain information obtained by the Office of Financial Regulation concerning or during the course of an investigation or examination conducted by the office, including customer and consumer complaints, to incorporate the inclusion of money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; expanding a public records exemption for deferred presentment transactions to incorporate the inclusion of money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Banking and Insurance

Wednesday, February 11, 2026, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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(Preliminary Draft Available - final draft will be made available at least 24 hours prior to the meeting)

Other Related Meeting Documents

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 326

INTRODUCER: Judiciary Committee and Senator Burgess

SUBJECT: Curators of Estates

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 326 amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in probate proceedings. A curator is a person appointed by the court for a limited time to protect the interests of a decedent's estate when a personal representative has not yet been appointed or must be replaced.

Specifically, the bill:

- Increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.
- Requires curators, except for banks and trust companies serving as curators, to post a reasonable bond unless waived by the court.
- Requires curators to file reports with the court detailing their actions taken in estate management, but only when the court deems it necessary.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Probate Code (“Probate Code”)¹ outlines the state’s probate process, which is the court-supervised process² for identifying and gathering a decedent’s assets, paying the decedent’s debts, and distributing the decedent’s remaining assets to his or her beneficiaries.³ The probate process is also known as “estate administration.”⁴ Whenever a decedent dies leaving a valid will,⁵ estate administration generally proceeds in accordance with the will’s terms, with estate assets being distributed to the named beneficiaries;⁶ however, where a decedent dies intestate, which means the decedent died and did not leave a valid will, asset distribution generally occurs by operation of Florida’s intestate succession laws.⁷

Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative⁸ to oversee the estate’s administration and grants that person letters of administration.⁹ A personal representative’s primary purpose is to ensure that the administration of the decedent’s estate proceeds in accordance with the decedent’s wishes (as outlined in a will) or, if there is no will, in accordance with state law; however, Florida law imposes numerous other, specific duties and obligations on personal representatives.

Qualifications

In determining who may serve as a personal representative for a particular estate, Florida law establishes an order of preference that generally must be observed, as follows:

- In testate estates (i.e. where there is a will):
 - The personal representative named in the will.
 - The person selected by a majority in interest of the persons entitled to the estate.
 - A devisee under the will (or the most qualified of such devisees, as chosen by the court, if there is more than one).¹⁰
- In intestate estates (i.e. where there is no will):
 - The surviving spouse.

¹ Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).

² In Florida, the circuit courts have jurisdiction over probate proceedings. Office of the State Courts Administrator, *Trial Courts-Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Jan. 28, 2026).

³ “Beneficiary” means an heir at law in an intestate estate and a devisee in a testate estate. Section 731.201(2), F.S. Note that probate is not initiated in every circumstance in which a person dies leaving assets; in some instances, other asset distribution mechanisms (such as a trust or a pay-on-death clause) transfer asset ownership without court intervention. In other circumstances, a decedent’s assets may be held jointly with a surviving person, requiring no asset ownership transfer and, thus, no court intervention.

⁴ “Estate” means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.

⁵ A “will” means a testamentary instrument executed by a person in the manner provided in the Florida Probate Code, which disposes of a person’s property on or after his or her death. Section 731.201(40), F.S. Until admitted to probate, a will is ineffective to prove title to, or the right to possession of, the testator’s property. Section 733.103(1), F.S.

⁶ *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).

⁷ *See generally* Part I, ch. 732, F.S. (governing intestate succession).

⁸ “Personal representative” means the fiduciary appointed by the court to administer the estate and refers to what has been known as, among other things, an executor. Section 731.201(28), F.S.

⁹ Letters of administration convey the legal authority to manage a decedent’s estate. Section 731.201(24), F.S.

¹⁰ Section 733.301(1)(a), F.S.

- The person selected by a majority in interest of the heirs.
- The heir nearest in degree (or the most qualified of such heirs, as chosen by the court, if there is more than one).¹¹

To qualify to act as a personal representative, the person must have full legal capacity to act on his or her own behalf and be a Florida resident at the time of the relevant decedent's death;¹² or if the person is not a Florida resident, the person must be:

- The decedent's legally adopted child or adoptive parent;
- Related by lineal consanguinity to the decedent;
- The decedent's sibling, uncle, aunt, nephew, or niece, or someone related by lineal consanguinity to any such person; or
- The spouse of any such person.¹³

Florida law also provides that a person is not qualified to act as a personal representative if he or she:

- Is a convicted felon;
- Has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult;
- Is mentally or physically unable to perform the duties of a personal representative; or
- Is a minor.¹⁴

Duties and Powers

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts¹⁵ and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.¹⁶ Such duty generally begins upon appointment¹⁷ and includes a duty to:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.¹⁸
- Expeditiously proceed with the settlement and distribution of the decedent's estate.¹⁹
- Act in the best interests of interested persons, including creditors.²⁰
- File a verified inventory of estate property, subject to statutory requirements.²¹
- Take all steps reasonably necessary for the estate's management, protection, and preservation.²²

¹¹ Section 733.301(1)(b), F.S.

¹² Section 733.302, F.S.

¹³ Section 733.304, F.S.

¹⁴ Section 733.303, F.S.

¹⁵ An "express trust" is a trust created with the settlor's express intent, usually declared in writing. *Byrne Realty Co. v. South Florida Farms Co.*, 89 So. 318, 326-27 (Fla. 1921).

¹⁶ Section 733.609(1), F.S.

¹⁷ Section 733.601, F.S.

¹⁸ Section 733.602(1), F.S.

¹⁹ Section 733.603, F.S.

²⁰ Section 733.602(1), F.S.

²¹ Section 733.604, F.S.

²² Section 733.607(1), F.S.

To assist in the exercise of such duties, the personal representative also has statutorily enumerated rights and powers. Specifically, the personal representative may (and in some cases, must), among other things:

- Take possession and control of the decedent's property.
- Perform or, when proper, refuse to perform the decedent's contracts.
- Invest the estate's funds.
- Acquire or dispose of assets, including, in certain circumstances, by sale or abandonment.
- Enter into leases.
- Pay taxes, assessments, and other expenses incident to estate administration.
- Continue any unincorporated business or venture in which the decedent was engaged at the time of death.
- Prosecute or defend claims or proceedings for the protection of the estate or the decedent's property.
- Employ persons, including attorneys, accountants, auditors, appraisers, investment advisers, and others to advise or assist the personal representative in estate administration.²³

Fiduciary Bonds

Unless the bond requirement has been waived by the will or by the court, every personal representative (other than a bank or a trust acting as a personal representative) must execute and file a bond with surety, payable to the Governor and the Governor's successors in office, conditioned on the performance of all personal representative duties.²⁴ All such bonds must be in an amount that the court deems sufficient after considering the estate's gross value, the relationship of the personal representative to the beneficiaries, exempt property and any family allowance, the type and nature of assets, known creditors, and any liens or other encumbrances on the assets.²⁵

Reporting Requirements

Florida law requires a personal representative to file certain reports with the court during various stages of the estate's administration, which the court may then review to ensure that the personal representative is properly managing the administration and meeting his or her fiduciary duties. These reports include:

- An inventory report detailing all of the decedent's assets and their respective market values.²⁶
- A report detailing all claims filed against the estate.
- Any interim or supplemental accountings ordered by the court.²⁷
- A final accounting with a petition for discharge stating, among other things:
 - That all claims filed against the estate have been paid, settled, or otherwise disposed of.
 - The amount of compensation paid or to be paid to the personal representative, attorneys, and others who aided the personal representative in account administration.

²³ See generally s. 733.612, F.S.

²⁴ Section 733.402(1), F.S.

²⁵ Section 733.403, F.S.

²⁶ Section 733.604(1), F.S.

²⁷ The personal representative may also choose to file interim accountings at any time, although such interim accountings are voluntary unless the court directs their filing. See Fla. Prob. R. 5.345(a) (providing that the fiduciary "may elect to file an interim accounting at any time, or the court may require an interim or supplemental accounting").

- A schedule of all prior estate asset distributions.
- An inventory of the estate assets remaining in the hands of the personal representative.
- A plan for the distribution of all remaining estate assets.²⁸

Compensation

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.²⁹ Such compensation must be based on the estate's compensable value, which is the inventory value of the estate's assets and the income the estate earns during administration, and Florida law provides that such compensation is presumed to be reasonable if calculated at statutorily-specified rates.³⁰ However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.³¹

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.³² Extraordinary services may include:

- The sale of real or personal property.
- Litigating on behalf of the estate.
- Involvement in proceedings for the adjustment or payment of any taxes.
- The carrying on of the decedent's business.
- Dealing with protected homestead.
- The rendering of legal services in connection with estate administration, if the personal representative is a Florida Bar member.³³
- Any other special services that may be necessary for the personal representative to perform.³⁴

Further, if a will provides that a personal representative's compensation must be based on specific criteria, other than a general reference to compensation allowed by law, the personal representative is entitled to compensation in accordance with that provision; however, the personal representative may renounce the provision and receive compensation as provided in law, unless a contract with the decedent would prohibit such renunciation.³⁵

Resignation

A personal representative generally has the right to resign and the court may, after notice to all interested persons, accept the resignation and then revoke the letters of the resigning personal representative if the resignation does not jeopardize the estate's interests.³⁶ Once the court

²⁸ Fla. Prob. R. 5.400.

²⁹ Section 733.617(1), F.S.

³⁰ Those rates are 3 percent for the first \$1 million; 2.5 percent for all above \$1 million and not exceeding \$5 million; 2 percent for all above \$5 million and not exceeding \$10 million; 1.5 percent for all above \$10 million. Section 733.617(2), F.S.

³¹ Section 733.617(7), F.S.

³² Section 733.617(3), F.S.

³³ Section 733.617(6), F.S. The Florida Supreme Court regulates the practice of law in Florida, through The Florida Bar. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Jan. 15, 2026); FLA. CONST. art. V, s. 15.

³⁴ Section 733.617(3), F.S.

³⁵ Section 733.617(4), F.S.

³⁶ Section 733.502, F.S.

accepts the resignation, the court must then appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.³⁷

Further, the resigning personal representative must:

- Surrender to the successor fiduciary all estate assets, records, documents, papers, and other property of or concerning the estate in the resigning personal representative's possession or control.³⁸
- File and serve a final accounting of the personal representative's administration.³⁹

Ultimately, a resigning personal representative may be discharged only after:

- Determination of the liability, if any, of such resigning personal representative.
- Compensation of the resigning personal representative and the attorney and other persons employed thereby.
- Receipt of evidence that undistributed estate assets have been delivered to the successor fiduciary.⁴⁰

Removal

The court must remove and revoke the letters of a personal representative if the personal representative was not qualified to act at the time of appointment.⁴¹ Further, the court may remove and revoke the letters of a personal representative for any of the following reasons:

- An adjudication of the personal representative's incapacity.
- Physical or mental incapacity.
- Failure of the personal representative to comply with any court order.
- Failure of the personal representative to account for the sale of property or to produce and exhibit estate assets when so required.
- Wasting or maladministration of the estate.
- Failure of the personal representative to give bond or security.
- The personal representative's felony conviction.
- The insolvency of, or the appointment of a receiver or liquidator for, a corporate personal representative.
- Holding or acquiring conflicting or adverse interests against the estate that will or may interfere with the administration of the estate as a whole.
- Revocation of the probate of the decedent's will that authorized or designated the personal representative's appointment.
- Termination of Florida residence, if such residence was a requirement of initial appointment.
- The personal representative was qualified to act at the time of appointment but would not now qualify.⁴²

A removal proceeding may begin upon the petition of an interested person, or the court may begin such a proceeding upon its own initiative.⁴³ In either case, the court must revoke the letters

³⁷ Section 733.503, F.S.

³⁸ Section 733.5035, F.S.

³⁹ Section 733.5036(1), F.S.

⁴⁰ Section 733.5036(2), F.S.

⁴¹ Section 733.504, F.S.

⁴² *Id.*

⁴³ Section 733.506, F.S.

of a removed personal representative and appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.⁴⁴

Curators

State law provides that, when necessary, the court may appoint⁴⁵ a “curator”⁴⁶ after formal notice to the person apparently entitled to letters of administration (that is, to the personal representative, or the person likely to be so appointed); however, where there is great danger that any of the decedent’s property is likely to be wasted, destroyed, or removed beyond the court’s jurisdiction, and if a curator’s appointment would be delayed by giving notice, the court may appoint a curator without giving notice.⁴⁷

In either case, curators may be authorized to perform any duty or function of a personal representative, may be subject to removal and surcharge, and may be required to post a bond as the court deems necessary; however, no bond may be required of a bank or trust company acting as a curator. Further, curators are entitled to reasonable compensation for their services, and the court may consider the provisions applicable to personal representative compensation in awarding such compensation.⁴⁸

Though the necessity for which a curator’s appointment might arise is not specified in Florida law, Florida courts have recognized that such necessity may include a delay in a personal representative’s appointment, or in the appointment of a successor personal representative where the original personal representative resigns or otherwise becomes unwilling or unable to oversee the estate’s administration.⁴⁹ However, Florida courts have also found that it is legally improper to simultaneously have a curator and a personal representative acting on behalf of an estate; thus, a court would likely need to remove any appointed personal representative before appointing a curator.⁵⁰ This comports with the general understanding, acknowledged by the courts, that a curator is usually only appointed as a temporary expedient to take possession of and preserve an estate’s assets until a qualified personal representative may be appointed to manage the estate’s administration.⁵¹

III. Effect of Proposed Changes:

The bill amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in state probate proceedings.

⁴⁴ *Id.*; s. 733.5061, F.S.

⁴⁵ Curator appointment may occur upon the filing of a sufficient petition for such appointment, which petition must include, among other things, a statement as to why a curator should be appointed. A court may also appoint a curator on its own initiative. Fla. Prob. R. 5.122.

⁴⁶ “Curator” means a person appointed by the court to take charge of the estate of a decedent until letters of administration are issued. Section 731.201(8), F.S.

⁴⁷ Section 733.501(1), F.S.

⁴⁸ Section 733.501, F.S.

⁴⁹ *Gordin v. Estate of Maisel*, 179 So. 3d 518, 520-21 (Fla. 4th DCA 2015); *In re Estate of Miller*, 568 So. 2d 487, 488-90 (Fla. 1st DCA 1990).

⁵⁰ *Gordin*, 179 So. 3d at 521.

⁵¹ *In re Sale’s Estate*, 227 So. 2d 199, 202 (Fla. 1969).

Appointment of a Curator

The bill changes when a court may appoint a curator. Current law provides that the court may appoint a curator in only two situations:

- If it is necessary after formal notice to the person apparently entitled to letters of administration.
- If there is great danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and without giving notice if the appointment of a curator would be delayed by giving notice.

Under the bill, the court may appoint a curator in any of the following circumstances:

- At any time with notice to interested persons as the court deems appropriate.
- There is significant danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court, and without giving notice to other interested persons if the appointment of a curator would be delayed by giving notice.
- In any other proper case, if deemed necessary to protect the interests of the estate or a decedent's heirs.

Accordingly, the bill increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.

Bond Requirements

Current law provides that a bond "shall be required of the curator as the court deems necessary." Similarly, under the bill, curators must post a reasonable bond in an amount to be determined by the court, but the court may waive this requirement. Bonds are not required for banks and trust companies that serve as curators.

Court Review

The bill requires curators to file reports with the court as the court deems necessary. The reports must detail the actions taken by the curator in managing the estate. The court must review the reports to ensure that the curator is effectively managing the estate and fulfilling its duties. The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

Reenactment of s. 90.5021(1), F.S.

The bill reenacts s. 90.5021(1), F.S., to incorporate the amendments to s. 733.501, F.S., made by the bill.

Effective Date

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

The bill requires curators to file reports with the court as the court deems necessary. These reports must detail the actions taken by the curator in managing the estate. This requirement may impose additional costs on the decedent's estate, which will now have to compensate curators for preparing and filing these reports with the court.

C. Government Sector Impact:

The bill requires courts to review the reports submitted by curators to ensure that the curator is effectively managing the estate and fulfilling his or her duties. However, the court can control how often curators submit reports for review. Accordingly, the bill may impose some additional costs on courts associated with reviewing curator's reports but these additional costs, if any, are likely to be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 733.501 of the Florida Statutes.

This bill reenacts section 90.5021 of the Florida Statutes.

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 Judiciary on February 3, 2026:

The committee substitute deletes the provisions in the bill regarding the authority and duties of curators and only requires curators to file reports with the court if the court deems it necessary.

- B. **Amendments:**

None.

By the Committee on Judiciary; and Senator Burgess

590-02446-26

2026326c1

1 A bill to be entitled
 2 An act relating to curators of estates; amending s.
 3 733.501, F.S.; revising the authorization for a court
 4 to appoint a curator of estates; revising bond
 5 requirements for a curator of estates; clarifying who
 6 may subject a curator of estates to removal and
 7 surcharge; requiring a curator to file reports with
 8 the court in specified circumstances; requiring that
 9 certain details be included in such reports; requiring
 10 the court to review such reports; authorizing the
 11 court to require more frequent reporting or additional
 12 documents under certain circumstances; reenacting s.
 13 90.5021(1), F.S., relating to fiduciary lawyer-client
 14 privilege, to incorporate the amendment made to s.
 15 733.501, F.S., in a reference thereto; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 733.501, Florida Statutes, is amended to
 21 read:

22 733.501 Curators.—

23 (1) APPOINTMENT OF A CURATOR.—When it is necessary, the
 24 court may appoint a curator after formal notice to the person
 25 apparently entitled to letters of administration as follows:

26 (a) The court may appoint a curator at any time with notice
 27 to other interested persons as the court deems appropriate. The
 28 curator may be authorized to perform any duty or function of a
 29 personal representative.

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02446-26

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30 (b) If there is significant ~~great~~ danger that any of the
 31 decendent's property is likely to be wasted, destroyed, or
 32 removed beyond the jurisdiction of the court and if the
 33 appointment of a curator would be delayed by giving notice, the
 34 court may appoint a curator without giving notice to other
 35 interested persons.

36 (c) In any other proper case, the court may appoint a
 37 curator when deemed necessary to protect the interests of an
 38 estate or a decedent's heirs.

39 (2) BOND REQUIREMENTS.—Unless waived by the court, curators
 40 must post a reasonable bond in an amount to be determined by the
 41 court. However, bonds are not required for banks and trust
 42 companies that serve as curators ~~Bond shall be required of the~~
 43 ~~curator as the court deems necessary. No bond shall be required~~
 44 ~~of banks and trust companies as curators.~~

45 (3) COMPENSATION.—Curators are ~~shall be~~ allowed reasonable
 46 compensation for their services, and the court may consider ~~the~~
 47 ~~provisions of s. 733.617.~~

48 (4) REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject to
 49 removal and surcharge by the court.

50 (5) COURT REVIEW.—

51 (a) The curator shall file reports with the court when the
 52 court deems it necessary. Such reports must detail the actions
 53 taken by the curator in managing the estate. The court shall
 54 review such reports to ensure that the curator is effectively
 55 managing the estate and fulfilling its duties.

56 (b) The court may require more frequent reporting or
 57 additional documentation as it deems necessary to protect the
 58 interests of the estate.

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Section 2. For the purpose of incorporating the amendment
60 made by this act to section 733.501, Florida Statutes, in a
61 reference thereto, subsection (1) of section 90.5021, Florida
62 Statutes, is reenacted to read:

63 90.5021 Fiduciary lawyer-client privilege.—

64 (1) For the purpose of this section, a client acts as a
65 fiduciary when serving as a personal representative or a trustee
66 as defined in ss. 731.201 and 736.0103, an administrator ad
67 litem as described in s. 733.308, a curator as described in s.
68 733.501, a guardian or guardian ad litem as defined in s.
69 744.102, a conservator as defined in s. 710.102, or an attorney
70 in fact as described in chapter 709.

71 Section 3. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Banking and Insurance

Subject: Committee Agenda Request

Date: February 4, 2026

I respectfully request that **Senate Bill # 326**, relating to Curator of Estates, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

CC: James Knduson, Staff Director
CC: Amaura Canty, Committee Administrative Assistant

2/11/26

The Florida Senate APPEARANCE RECORD

326

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Banking & Finance
Committee

Amendment Barcode (if applicable)

Name Reagan Mullins

Phone 727 333 5536

Address 2940 Northfield Dr
Street

Email

Tarpon Springs FL 34688
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 598

INTRODUCER: Banking and Insurance Committee and Senator Truenow

SUBJECT: Funeral, Cemetery, and Consumer Services

DATE: February 11, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 598 revises chapter 497, Florida Statutes, the Florida Funeral, Cemetery, and Consumer Services Act (Act), which provides for the regulation of funeral and cemetery services.

The bill prohibits licensees from contracting to become the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

The bill allows licensees to dispose of human remains that have been in their lawful possession for at least 90 days if the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition. Licensees may not be held liable for doing so. The bill also provides that if, after 90 days (current law is 120 days) from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains.

The bill provides that the minimum acreage of a cemetery must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property.

To attract new practitioners of funeral and cemetery services in Florida, the bill revises licensure requirements under the Act, providing that:

- A licensure by endorsement as an embalmer, funeral director, or a combination funeral director and embalmer for an applicant that holds a valid license in another state and has at least 5 years' experience of licensed practice in that state does not require educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies.
- The educational requirements that a funeral director licensure applicant who has not completed the educational credentials required for the license are revised to remove passage of a college course in mortuary or funeral service law.
- Licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer, requires either an associate degree or higher from an accredited college or university or current enrollment in an accredited college in an accredited course of study in mortuary science.

The bill exempts prepaid funeral contracts from the insurable interest requirements of the Florida Insurance Code. The bill also allows a preneed licensee to send written notice to the last known e-mail or mailing address of the purchaser or beneficiary's legally authorized person that the preneed licensee intends to distribute funds related to unfulfilled services.

The bill's effective date is July 1, 2026.

II. Present Situation:

Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (Act), provides for the regulation of funeral and cemetery services.¹ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services (Board) within the Department of Financial Services (DFS) to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.²

Section 20.121(4), F.S., creates the Board within the Division of Funeral, Cemetery, and Consumer Services of the DFS. The Board acts as the licensing and rulemaking authority for certain matters related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements;³

¹ See Section 497.001, F.S.

² Sections 497.101 and 497.103, F.S.

³ See s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.

The Board has broad authority over licensure and examination of applicants for various licenses including:

- Authority to determine any and all criteria for licensure;
- Authority to specify who may conduct practical examination;
- Authority to specify the content of examinations for licensure, both written and practical, and the relative weighting of areas examined, and grading criteria, and determination of what constitutes a passing grade;
- Authority to strike any examination question determined before or after an examination to be inappropriate for any reason;
- Authority to specify which national examinations or parts thereof shall or shall not be required or accepted regarding Florida licensure;
- Authority to determine time limits and substantive requirements regarding reexamination of applicants who fail any portion of a licensing examination; and
- Authority to determine substantive requirements and conditions relating to apprenticeships and internships, and temporary licensure pending examination.⁴

The Board must have 10 members, nine of whom are to be appointment by the Chief Financial Officer (CFO) and confirmed by the Senate and one member must be the State Health Officer, or his or her designee.⁵ The composition of the Board must be as follows:

- The State Health Officer;
- Two funeral directors who are:
 - Licensed under part III of ch. 497, F.S., as funeral directors, and
 - Associated with a funeral establishment;
- One funeral director who is:
 - Licensed under part III of ch. 497, F.S., and
 - Associated with a funeral establishment licensed under part III of ch. 497, F.S., that has a valid preneed license issued pursuant to ch. 497, F.S.
- Two persons whose primary occupation is associated with a licensed cemetery;
- Three consumers who:
 - Are residents of Florida;
 - Have never been licensed funeral directors or embalmers;
 - Are not connected with a cemetery or licensed cemetery company;
 - Are not connected to the death care industry or the practice of embalming, funeral directing, or direct disposition;
 - At least one of which is at least 60 years of age; and
 - At least one of which is a licensed certified public accountant; and
- One principal of a monument establishment licensed under ch. 497, F.S., as a monument builder.⁶

Two or more members may not be principals or employees of the same company or partnership, or group of companies or partnerships under common control.⁷ Board members are appointed for

⁴ Section 497.103(1)(a)-(g), F.S.

⁵ Section 497.101(1), F.S.

⁶ Section 497.101(2), F.S.

⁷ *Id.*

four-year terms, however, a member may not serve for more than 8 consecutive years (except for the State Health Officer, who serves so long as he or she holds the office).⁸

Funeral Director and Embalmer Licensure

The practice of funeral services is divided into three relevant licenses. A person may be licensed as a funeral director,⁹ an embalmer,¹⁰ or with a combination license for the practice of funeral directing and embalming.¹¹

Applicants for an embalmer license must take courses in mortuary science, complete a one-year internship, and pass an examination on the subjects of the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies.¹² Applicants for a combination funeral directing and embalmer license must meet the requirements for an embalmer's license, as well as take approved courses in funeral service arts, and pass the funeral services arts section of the national board examination.¹³

Applicants for a funeral director-only license are required to take classes in both mortuary science and funeral service arts, complete a one-year internship, pass the state and federal laws and rules examination relating to the disposition of human remains, and an examination on the theory and practice of funeral directing and funeral service arts.¹⁴

Funeral Establishment Licensure

Section 497.380, F.S., provides for the regulation of funeral establishments. Each licensed funeral establishment must have one full-time funeral director in charge.¹⁵ A funeral establishment must:

- Be a place at a specific street address or location;
- Consist of at least 1,250 contiguous interior square feet;
- Maintain or make arrangements for the refrigeration and storage of dead human bodies handled and stored by the establishment; and
- Maintain or make arrangements for a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies.¹⁶

Storage, Preservation, and Transportation of Human Remains

Human remains may only be stored at a licensed establishment or facility licensed under ch. 497, F.S., or a health care facility, medical examiner's facility, morgue, or cemetery holding facility.¹⁷

⁸ Section 497.101(3), F.S.

⁹ Section 497.372, F.S.

¹⁰ Section 497.368, F.S.

¹¹ Section 497.376, F.S.

¹² Section 497.368, F.S.

¹³ Section 497.376, F.S.

¹⁴ Section 497.373, F.S.

¹⁵ Section 497.380(7), F.S.

¹⁶ Section 497.380(1), F.S.

¹⁷ Section 497.386(1), F.S.

A dead human body may not be held in any place or in transit over 24 hours after death or pending final disposition unless the body is maintained at a temperature of 40 degrees Fahrenheit or below or is embalmed or otherwise preserved in a manner approved by the licensing authority.¹⁸

In an emergency situation, including the abandonment of any licensed establishments or facilities, the DFS is authorized to enter and secure certain locations.¹⁹ In such a situation, the DFS may remove human remains and cremated remains.²⁰ These locations include:

- An establishment or facility licensed under ch. 497, F.S.
- Any medical examiner's facility or morgue; and
- A cemetery holding facility.²¹

Cremation

Cremation of human remains in Florida is governed by s. 497.607, F.S. Cremation of human remains requires written authorization from a legally authorized person.²² The cremation must be performed within 48 hours after a specified time which has been agreed to in writing by the person authorizing the cremation.²³ If, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains, which may include scattering them at sea or placing them in a licensed cemetery scattering garden or pond or in a church columbarium or otherwise disposing of the remains as provided by rule of the Board.²⁴

Cemetery Companies

A person seeking a cemetery license must apply for a license.²⁵ The proposed cemetery must contain at least 30 contiguous acres and the application must state the exact number of acres in the proposed cemetery.²⁶ Any land dedicated for use as a cemetery, which is in excess of a minimum of 30 contiguous acres, may be sold, conveyed, or disposed of by the licensee, after obtaining written approval of the DFS for use by the new owner for purposes other than as a cemetery.²⁷ All of the human remains that have been previously interred therein, if any, must first have been removed from the land proposed to be sold, conveyed, or disposed of.²⁸

Solicitation of Goods or Services

The Board is charged with protecting the public from solicitation of sales of burial rights, merchandise, or services by licensees which is intimidating, overreaching, fraudulent, or misleading; which utilizes undue influence; or which takes undue advantage of a person's

¹⁸ Section 497.386(2), F.S.

¹⁹ Section 497.386(5), F.S.

²⁰ *Id.*

²¹ *Id.*

²² Section 497.607(1), F.S.

²³ *Id.*

²⁴ Section 497.607(3)(a), F.S.

²⁵ Section 497.263(2)(a), F.S.

²⁶ Section 497.263(2)(g), F.S.

²⁷ Section 497.270(2), F.S.

²⁸ *Id.*

ignorance or emotional vulnerability.²⁹ At-need solicitation of sales of burial rights, merchandise, or services is prohibited. The family or next of kin of a deceased person may not be contacted to sell services or merchandise unless the person making contact has been initially called or contacted by the family or next of kin and requested to provide services or merchandise.³⁰

Preneed Contracts - Cancellation or Default

Part IV of ch. 497, F.S., governs preneed funeral merchandise or service contract businesses and preneed burial merchandise or service contract businesses. Such businesses are exempt from the Florida Insurance Code.³¹ A “preneed contract” is any arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of the contract beneficiary.³² Persons who sell preneed contracts are licensed by the Board.³³ Any person who receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise to deposit certain percentages of the amounts received with a trust company operating pursuant to ch. 660, F.S., with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.³⁴

A preneed licensee must provide to the purchaser or to the beneficiary’s legally authorized person written notice of the licensee’s intent to distribute funds if any obligation of the licensee remains to be fulfilled under the contract, upon the occurrence of the earliest of any of the following events:

- Fifty years after the date of execution of the preneed contract by the purchaser.
- The beneficiary of the preneed contract attains the age of 105 years of age or older.
- The social security number of the beneficiary of the preneed contract, as shown on the contract, is contained within the United States Social Security Administration Death Master File.³⁵

Such written notice must be provided by certified mail, registered mail, or permitted delivery service, return receipt requested, to the last known mailing address of the purchaser or the beneficiary’s legally authorized person, whichever is applicable, as provided to the preneed licensee.³⁶

Insurable Interest; Personal Insurance

A person of legal capacity may procure or effect an insurance contract on his or her own life or body for the benefit of any person but may not procure or cause to be procured an insurance contract on the life of another individual unless the benefits under such contract are payable to the individual insured or his or her personal representatives, or to any person having, at the time

²⁹ Section 497.164(1) and (2), F.S.

³⁰ Section 497.164(5), F.S.

³¹ Section 497.450, F.S.

³² Section 497.005(62), F.S.

³³ Section 497.453, F.S.

³⁴ Section 497.458, F.S.

³⁵ Section 497.459(7)(a), F.S.

³⁶ Section 497.459(7)(b)1., F.S.

such contract was made, an insurable interest in the individual insured.³⁷ Other than a policy of group life insurance or group or blanket accident, health, or disability insurance, a contract of insurance upon a person may not be effectuated unless, on or before the time of entering into such contract, the person insured applies for or consents in writing to the contract and its terms.³⁸ Insurable interest requirements exist to prevent the moral hazard associated with third parties benefiting financially because of the death of the insured or because of damage to the insured's real or personal property.

III. Effect of Proposed Changes:

Section 1 amends s. 497.164, F.S., to provide that a licensee under ch. 497, F.S., may not enter into a contract, agreement, or other arrangement in which that licensee or any affiliated licensee becomes the exclusive or sole provider of funeral, cremation, refrigeration, or removal services for any entity that provides medical, palliative, or other end-of-life care and services to the general public.

Sections 2 and 3 amend ss. 497.263 and 497.270, F.S., to provide that the minimum acreage of a cemetery must be contiguous, except that parcels of land divided solely by a public right-of-way or public road may be considered contiguous, provided the parcels are in close geographic proximity and form a unified cemetery property. The cemetery license application must state the exact number of acres in the proposed cemetery and must identify any public rights-of-way or roads dividing the parcels. Parcels located in separate or distant geographic areas, even if along the same roadway or corridor, do not satisfy the contiguity requirement.

Section 4 amends s. 487.369, F.S., to provide that licensure by endorsement as an embalmer for an applicant that holds a valid license in good standing to practice embalming in another state and has engaged in the full-time, licensed practice of embalming in that state for at least 5 years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.368, F.S.

Section 5 amends s. 497.374, F.S., to provide that licensure by endorsement as a funeral director for an applicant that holds a valid license in good standing to practice funeral directing in another state and has engaged in the full-time, licensed practice of funeral directing in that state for at least 5 years does not require any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under s. 497.373(2)(b), F.S.

Section 6 amends s. 497.375, F.S., to remove one of the three educational requirements that a funeral director licensure applicant must meet if seeking licensure despite not completing the educational credentials required for the license. The bill eliminates the requirement to receive a passing grade in a college credit course in mortuary law or funeral service law and in a college credit course in ethics. The other two requirements retained by the bill are that the applicant must hold an associate degree or higher from an accredited college or university and must be enrolled

³⁷ Section 627.404(1), F.S.

³⁸ Section 627.404(5), F.S.

in and attending a licensing authority-approved course of study in mortuary science or funeral service arts required for licensure as a funeral director.

Section 7 amends s. 497.376, F.S., to provide that an applicant for licensure for a combination license by endorsement as a funeral director and embalmer under ss. 497.373 and s. 497.369, F.S., respectively, is not required to meet any educational or testing requirements other than passage of the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies required under ss. 497.373(2)(b) and 497.369(4), F.S.

Section 8 amends s. 497.377, F.S., to revise the requirements for licensure as a combination funeral director and embalmer intern, a licensure that is available to applicants who have not completed the educational credentials required for a combination license as both a funeral director and embalmer. The bill provides that such applicants, to obtain the intern license, must:

- Hold an associate degree or higher in any field from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education; or
- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in a course of study in mortuary science accredited by ABFSE.

Current law requires that to obtain the intern license, the applicant must meet the latter of these requirements and must also have completed at least 75 percent of the course of study in mortuary science and have received a passing grade in a college course in mortuary law or funeral service law.

Section 9 amends s. 497.386, F.S., to provide that if any human remains have been in the lawful possession of any licensee or licensed facility for 90 days or more, and the legally authorized person of the decedent fails, neglects, or refuses to direct the disposition of the remains, the licensee or licensed facility may dispose of the human remains and licensee or licensed facility who disposes of such human remains pursuant to this subsection may not be held liable for any action arising out of such disposal.

Section 10 amends s. 497.459, F.S., to provide that for purposes of ensuring the performance of unfulfilled preneed contracts, the required written notice by the preneed licensee to the purchaser or to the beneficiary's legally authorized person of the preneed licensee's intent to distribute funds in accordance with the terms of the preneed contract, if any obligation of the preneed licensee remains to be fulfilled under the contract, may be sent to the to the last known e-mail or mailing address of the purchaser or the beneficiary's legally authorized person, whichever is applicable, as provided to the preneed licensee.

Section 11 amends s. 497.607, F.S., to provide that if any person who intends to provide for the cremation of the deceased, if, after 90 days (current law is 120 days) from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains.

Section 12 amends s. 627.404, F.S., to exempt prepaid funeral contracts from the requirement that an insurance contract may not be carried out unless, on or before the time of entering into such contract, the person insured, having legal capacity to contract, applies for or consents in writing to the contract and its terms.

Section 13 reenacts s. 497.260, F.S, for purposes of incorporating the amendment made by the bill to s. 497.263, F.S.

Section 14 provides that bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

Endorsement licensure applicants will no longer be required to pay for a national examination, which is administered in two parts, with each part costing \$285.³⁹

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

³⁹ Department of Financial Services, *2026 Legislative Bill Analysis SB 598*, pg. 4 (2026).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 497.164, 497.263, 497.270, 497.369, 497.374, 497.375, 497.376, 497.377, 497.386, 497.459, 627.404, and 497.260.

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 on February 11, 2026:

The CS :

- Deletes from the bill an amendment to s. 497.169, F.S., that would have limited total liability for damages to \$200,000 in a civil action for negligence brought against a licensee under ch. 497, F.S.
- Deletes from the bill amendments to s. 497.602, 497.604, and 497.607, F.S., which would have eliminated licenses for direct disposers and direct disposer establishments. Licensed direct disposers may engage in a limited scope of practice that allows them to sell services to the public for lawfully facilitating cremation without preparation by embalming and without any attendant services or rites.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2026	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 546

and insert:

Section 2. Paragraph (g) of subsection (2) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure requirements and procedures.—

(2) APPLICATION PROCEDURES.—

(g) The proposed cemetery must contain at least 30



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11 ~~contiguous~~ acres. Such acreage must be contiguous, except that
12 parcels of land divided solely by a public right-of-way or
13 public road may be considered contiguous, provided the parcels
14 are in close geographic proximity and form a unified cemetery
15 property. The application must state the exact number of acres
16 in the proposed cemetery and must identify any public rights-of-
17 way or roads dividing the parcels. Parcels located in separate
18 or distant geographic areas, even if along the same roadway or
19 corridor, do not satisfy the contiguity requirement of this
20 paragraph ~~The application shall state the exact number of acres~~
21 ~~in the proposed cemetery.~~

22 Section 3. Subsection (2) of section 497.270, Florida
23 Statutes, is amended to read:

24 497.270 Minimum acreage; sale or disposition of cemetery
25 lands.—

26 (2) Any lands owned by a licensee and dedicated for use by
27 it as a cemetery, which meet the criteria set forth in s.
28 497.263(2)(g) ~~are in excess of a minimum of 30 contiguous acres,~~
29 may be sold, conveyed, or disposed of by the licensee, after
30 obtaining written approval pursuant to procedures and using
31 ~~utilizing~~ forms specified by rule and consistent with subsection
32 (3), for use by the new owner for other purposes than as a
33 cemetery. All of the human remains which have been previously
34 interred therein must ~~shall~~ first be ~~have been~~ removed from the
35 lands proposed to be sold, conveyed, or disposed of; however,
36 ~~the provisions of~~ ss. 497.152(8)(e) and 497.384 must be complied
37 with before ~~prior to~~ any disinterment of human remains. ~~Any and~~
38 All titles, interests, or burial rights which may have been sold
39 or contracted to be sold in lands which are the subject of the



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40 sale must ~~shall~~ be conveyed to and revested in the licensee
41 before ~~prior to~~ consummation of any such sale, conveyance, or
42 disposition.

43 Section 4. Subsection (4) of section 497.369, Florida
44 Statutes, is amended to read:

45 497.369 Embalmers; licensure as an embalmer by endorsement;
46 licensure of a temporary embalmer.—

47 (4) Each applicant for licensure by endorsement shall ~~must~~
48 pass the examination on local, state, and federal laws and rules
49 relating to the disposition of dead human bodies ~~which is~~
50 required under s. 497.368 and which shall be given by the
51 licensing authority. Licensure by endorsement under subparagraph
52 (1) (b) 1. does not require any educational or testing
53 requirements other than those required in this subsection.

54 Section 5. Subsection (4) of section 497.374, Florida
55 Statutes, is amended to read:

56 497.374 Funeral directing; licensure as a funeral director
57 by endorsement; licensure of a temporary funeral director.—

58 (4) Each applicant for licensure by endorsement shall ~~must~~
59 pass the examination on local, state, and federal laws and rules
60 relating to the disposition of dead human bodies ~~which is~~
61 required under s. 497.373 and which shall be given by the
62 licensing authority. Licensure by endorsement under subparagraph
63 (1) (b) 1. does not require education or testing requirements
64 other than those required in s. 497.373(2) (b).

65 Section 6. Paragraph (b) of subsection (1) of section
66 497.375, Florida Statutes, is amended to read:

67 497.375 Funeral directing; licensure of a funeral director
68 intern.—



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69 (1)

70 (b)1. Except as provided in subparagraph 2., an applicant
71 must hold the educational credentials required for licensure of
72 a funeral director under s. 497.373(1)(d).

73 2. An applicant who has not completed the educational
74 credentials required for a funeral director license is eligible
75 for licensure as a funeral director intern if the applicant:

76 a. Holds an associate degree or higher in any field from a
77 college or university accredited by a regional accrediting
78 agency recognized by the United States Department of Education.

79 b. Is currently enrolled in and attending a licensing
80 authority-approved course of study in mortuary science or
81 funeral service arts required for licensure of a funeral
82 director under s. 497.373(1)(d)2.

83 ~~e. Has taken and received a passing grade in a college~~
84 ~~credit course in mortuary law or funeral service law and has~~
85 ~~taken and received a passing grade in a college credit course in~~
86 ~~ethics.~~

87 Section 7. Subsection (3) is added to section 497.376,
88 Florida Statutes, to read:

89 497.376 License as funeral director and embalmer
90 permitted.—

91 (3) An applicant for a combination license by endorsement
92 as a funeral director and embalmer under s. 497.373 and s.
93 497.369, respectively, is not required to meet any educational
94 or testing requirements other than those in ss. 497.373(2)(b)
95 and 497.369(4).

96 Section 8. Paragraph (a) of subsection (2) of section
97 497.377, Florida Statutes, is amended to read:



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98 497.377 Combination funeral director and embalmer
99 internships.—

100 (2) (a) An applicant who has not completed the educational
101 credentials required for a combination license as both funeral
102 director and embalmer is eligible for licensure as a combination
103 funeral director and embalmer intern if the applicant:

104 1. Holds an associate degree or higher in any field from a
105 college or university accredited by a regional accrediting
106 agency recognized by the United States Department of Education;
107 or

108 2. Is currently enrolled in and attending a college
109 accredited by the American Board of Funeral Service Education
110 (ABFSE) in a course of study in mortuary science accredited by
111 ABFSE.

112 ~~2. Has completed at least 75 percent of the course of study~~
113 ~~in mortuary science as certified by the college in which the~~
114 ~~applicant is currently enrolled.~~

115 ~~3. Has taken and received a passing grade in a college~~
116 ~~credit course in mortuary law or funeral service law and has~~
117 ~~taken and received a passing grade in a college credit course in~~
118 ~~ethics.~~

119 Section 9. Present subsections (6) and (7) of section
120 497.386, Florida Statutes, are redesignated as subsections (7)
121 and (8), respectively, and a new subsection (6) is added to that
122 section, to read:

123 497.386 Storage, preservation, and transportation of human
124 remains.—

125 (6) If any human remains have been in the lawful possession
126 of any licensee or licensed facility for 90 days or more, and



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127 the legally authorized person of the decedent fails, neglects,
128 or refuses to direct the disposition, the licensee or licensed
129 facility may dispose of the human remains. Any licensee or
130 licensed facility who disposes of human remains pursuant to this
131 subsection may not be held liable for any action arising out of
132 such disposal.

133 Section 10. Paragraph (b) of subsection (7) of section
134 497.459, Florida Statutes, is amended to read:

135 497.459 Cancellation of, or default on, preneed contracts;
136 required notice.—

137 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

138 (b)1. The notice in paragraph (a) must be provided by
139 certified mail, registered mail, or permitted delivery service,
140 ~~return receipt requested,~~ to the last known e-mail or mailing
141 address of the purchaser or the beneficiary's legally authorized
142 person, whichever is applicable, as provided to the preneed
143 licensee. If the notice is returned as undeliverable within 30
144 calendar days after the preneed licensee sent the notice, the
145 trustee must ~~shall~~ perform a diligent search and inquiry to
146 obtain a different e-mail or mailing address for the purchaser
147 or the beneficiary's legally authorized person, whichever is
148 applicable. The board may adopt rules to implement this
149 subparagraph ~~For purposes of this subparagraph, any address~~
150 ~~known and used by the purchaser or the beneficiary's legally~~
151 ~~authorized person, whichever is applicable, for sending regular~~
152 ~~mailings or other communications from the purchaser or the~~
153 ~~beneficiary's legally authorized person, whichever is~~
154 ~~applicable, to the preneed licensee or any address produced~~
155 ~~through a current address service or searchable database shall~~



156 ~~be included with other addresses produced from the diligent~~
157 ~~search and inquiry, if any. If the trustee's diligent search and~~
158 ~~inquiry produces an address different from the notice address,~~
159 ~~the trustee shall mail a copy of the notice by certified mail,~~
160 ~~registered mail, or permitted delivery service, return receipt~~
161 ~~requested, to any and all addresses produced as a result of the~~
162 ~~diligent search and inquiry.~~

163 2. If the purchaser or the beneficiary's legally authorized
164 person, whichever is applicable, fails to respond to such notice
165 within 120 days after delivery of the last mailed notice under
166 subparagraph 1., the funds held in trust must be distributed in
167 accordance with the terms of the preneed contract, the trust
168 agreement, and any applicable provisions of chapter 717.

169
170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete lines 6 - 57

173 and insert:

174 amending s. 497.263, F.S.; revising the procedures for
175 applicants seeking a cemetery license; amending s.
176 497.270, F.S.; conforming a provision to changes made
177 by the act; amending s. 497.369, F.S.; revising the
178 requirements for an applicant seeking licensure by
179 endorsement to be an embalmer; amending s. 497.374,
180 F.S.; revising the requirements for an applicant
181 seeking licensure by endorsement to be a funeral
182 director; amending s. 497.375, F.S.; deleting an
183 exception to the educational requirements for an
184 applicant seeking licensure to be a funeral director;



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185 amending s. 497.376, F.S.; revising the requirements
186 for an applicant seeking a license by endorsement as a
187 combination funeral director and embalmer; amending s.
188 497.377, F.S.; revising the educational requirements
189 for licensure to be a combination funeral director and
190 embalmer intern; amending s. 497.386, F.S.;
191 authorizing a licensee or a licensed facility to
192 dispose of human remains in a specified manner if the
193 legally authorized person of the decedent fails,
194 neglects, or refuses to direct the disposition;
195 providing that the licensee or licensed facility is
196 not liable for any action arising out of such
197 disposal; amending s. 497.459, F.S.; revising the
198 method in which a preneed licensee must send written
199 notice to cancel a preneed contract; authorizing the
200 Board of Funeral, Cemetery, and Consumer Services to
201 adopt rules; amending s.

By Senator Truenow

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1 A bill to be entitled
 2 An act relating to funeral, cemetery, and consumer
 3 services; amending s. 497.164, F.S.; prohibiting a
 4 licensee of funeral or cemetery services from entering
 5 into certain contracts, agreements, or arrangements;
 6 amending s. 497.169, F.S.; limiting the total
 7 liability for damages for certain civil actions
 8 against a person or company licensed under ch. 497,
 9 F.S.; amending s. 497.263, F.S.; revising the
 10 procedures for applicants seeking a cemetery license;
 11 amending s. 497.270, F.S.; conforming a provision to
 12 changes made by the act; amending s. 497.369, F.S.;
 13 revising the requirements for an applicant seeking
 14 licensure by endorsement to be an embalmer; amending
 15 s. 497.374, F.S.; revising the requirements for an
 16 applicant seeking licensure by endorsement to be a
 17 funeral director; amending s. 497.375, F.S.; deleting
 18 an exception to the educational requirements for an
 19 applicant seeking licensure to be a funeral director;
 20 amending s. 497.376, F.S.; revising the requirements
 21 for an applicant seeking a license by endorsement as a
 22 combination funeral director and embalmer; amending s.
 23 497.377, F.S.; revising the educational requirements
 24 for licensure to be a combination funeral director and
 25 embalmer intern; amending s. 497.386, F.S.;
 26 authorizing a licensee or a licensed facility to
 27 dispose of human remains in a specified manner if the
 28 legally authorized person of the decedent fails,
 29 neglects, or refuses to direct the disposition;

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30 providing that the licensee or licensed facility is
 31 not liable for any action arising out of such
 32 disposal; amending s. 497.459, F.S.; revising the
 33 method in which a preneed licensee must send written
 34 notice to cancel a preneed contract; authorizing the
 35 Board of Funeral, Cemetery, and Consumer Services to
 36 adopt rules; amending s. 497.602, F.S.; prohibiting
 37 the Department of Financial Services from accepting
 38 applications and issuing licenses for direct disposers
 39 after a specified date; authorizing a person licensed
 40 before the specified date to continue to practice as a
 41 direct disposer by renewing his or her license;
 42 deleting the application procedures to become a
 43 licensed direct disposer; deleting responsibilities of
 44 the licensing authority issuing a direct disposer
 45 license; amending s. 497.604, F.S.; revising an
 46 exception to the prohibition against a person opening
 47 or maintaining an establishment in which he or she
 48 holds himself or herself out as a direct disposer;
 49 prohibiting the department from accepting applications
 50 and issuing licenses for direct disposal
 51 establishments after a specified date; authorizing a
 52 person licensed before the specified date to continue
 53 to practice by renewing his or her license; deleting
 54 application requirements; requiring the location of
 55 direct disposition to be used solely for the business
 56 of the establishment; conforming provisions to changes
 57 made by the act; making technical changes; amending s.
 58 497.607, F.S.; revising the timeframe after which a

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59 funeral or direct disposal establishment may dispose
60 of cremated remains if the remains have not been
61 claimed; amending s. 627.404, F.S.; revising the
62 exceptions to the prohibition relating to personal
63 insurance; reenacting s. 497.260(5), F.S., relating to
64 cemeteries, exemptions, investigations, and mediation,
65 to incorporate the amendment made to s. 497.263, F.S.,
66 in a reference thereto; providing an effective date.

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

69
70 Section 1. Subsection (6) is added to section 497.164,
71 Florida Statutes, to read:

72 497.164 Solicitation of goods or services.—

73 (6) A licensee under this chapter may not enter into a
74 contract, agreement, or other arrangement in which that licensee
75 or any affiliated licensee becomes the exclusive or sole
76 provider of funeral, cremation, refrigeration, or removal
77 services for any entity that provides medical, palliative, or
78 other end-of-life care and services to the general public.

79 Section 2. Present subsections (2) and (3) of section
80 497.169, Florida Statutes, are redesignated as subsections (3)
81 and (4), respectively, a new subsection (2) is added to that
82 section, and subsection (1) of that section is amended, to read:

83 497.169 Private actions; actions on behalf of consumers;
84 attorney's fee.—

85 (1) Notwithstanding s. 497.157, the Attorney General, or
86 the department on behalf of Florida residents of this state, or
87 any person may bring a civil action against a person or company

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88 violating ~~the provisions of~~ this chapter in the appropriate
89 court of the county in which the alleged violator resides or has
90 her or his or its principal place of business or in the county
91 wherein the alleged violation occurred. Upon adverse
92 adjudication, the defendant ~~is shall be~~ liable for actual
93 damages caused by such violation. The court may, as provided by
94 common law, award punitive damages and may provide such
95 equitable relief as it deems proper or necessary, including
96 enjoining the defendant from further violations of this chapter.

97 (2) The total liability for damages in any civil action for
98 negligence brought against a person or company licensed pursuant
99 to this section may not exceed \$200,000.

100 Section 3. Paragraph (g) of subsection (2) of section
101 497.263, Florida Statutes, is amended to read:

102 497.263 Cemetery companies; license required; licensure
103 requirements and procedures.—

104 (2) APPLICATION PROCEDURES.—

105 (g) The proposed cemetery must contain at least 30
106 ~~contiguous~~ acres. Such acreage must be contiguous, except that
107 parcels of land divided solely by a public right-of-way or
108 public road may be considered contiguous, provided the parcels
109 are in close geographic proximity and form a unified cemetery
110 property. The application must state the exact number of acres
111 in the proposed cemetery and must identify any public rights-of-
112 way or roads dividing the parcels. Parcels located in separate
113 or distant geographic areas, even if along the same roadway or
114 corridor, do not satisfy the contiguity requirement of this
115 paragraph ~~The application shall state the exact number of acres~~
116 ~~in the proposed cemetery.~~

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117 Section 4. Subsection (2) of section 497.270, Florida
118 Statutes, is amended to read:

119 497.270 Minimum acreage; sale or disposition of cemetery
120 lands.-

121 (2) Any lands owned by a licensee and dedicated for use by
122 it as a cemetery, which meet the criteria set forth in s.
123 497.263(2)(g) are in excess of a minimum of 30 contiguous acres,
124 may be sold, conveyed, or disposed of by the licensee, after
125 obtaining written approval pursuant to procedures and using
126 utilizing forms specified by rule and consistent with subsection
127 (3), for use by the new owner for other purposes than as a
128 cemetery. All of the human remains which have been previously
129 interred therein must shall first be have been removed from the
130 lands proposed to be sold, conveyed, or disposed of; however,
131 the provisions of ss. 497.152(8)(e) and 497.384 must be complied
132 with before prior to any disinterment of human remains. Any and
133 All titles, interests, or burial rights which may have been sold
134 or contracted to be sold in lands which are the subject of the
135 sale must shall be conveyed to and revested in the licensee
136 before prior to consummation of any such sale, conveyance, or
137 disposition.

138 Section 5. Subsection (4) of section 497.369, Florida
139 Statutes, is amended to read:

140 497.369 Embalmers; licensure as an embalmer by endorsement;
141 licensure of a temporary embalmer.-

142 (4) Each applicant for licensure by endorsement shall must
143 pass the examination on local, state, and federal laws and rules
144 relating to the disposition of dead human bodies which is
145 required under s. 497.368 and which shall be given by the

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146 licensure authority. Licensure by endorsement under subparagraph
147 (1)(b)1. does not require any educational or testing
148 requirements other than those required in this subsection.

149 Section 6. Subsection (4) of section 497.374, Florida
150 Statutes, is amended to read:

151 497.374 Funeral directing; licensure as a funeral director
152 by endorsement; licensure of a temporary funeral director.-

153 (4) Each applicant for licensure by endorsement shall must
154 pass the examination on local, state, and federal laws and rules
155 relating to the disposition of dead human bodies which is
156 required under s. 497.373 and which shall be given by the
157 licensure authority. Licensure by endorsement under subparagraph
158 (1)(b)1. does not require education or testing requirements
159 other than those required in s. 497.373(2)(b).

160 Section 7. Paragraph (b) of subsection (1) of section
161 497.375, Florida Statutes, is amended to read:

162 497.375 Funeral directing; licensure of a funeral director
163 intern.-

164 (1)

165 (b)1. Except as provided in subparagraph 2., an applicant
166 must hold the educational credentials required for licensure of
167 a funeral director under s. 497.373(1)(d).

168 2. An applicant who has not completed the educational
169 credentials required for a funeral director license is eligible
170 for licensure as a funeral director intern if the applicant:

171 a. Holds an associate degree or higher in any field from a
172 college or university accredited by a regional accrediting
173 agency recognized by the United States Department of Education.

174 b. Is currently enrolled in and attending a licensure

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175 authority-approved course of study in mortuary science or
176 funeral service arts required for licensure of a funeral
177 director under s. 497.373(1)(d)2.

178 ~~c. Has taken and received a passing grade in a college~~
179 ~~credit course in mortuary law or funeral service law and has~~
180 ~~taken and received a passing grade in a college credit course in~~
181 ~~ethics.~~

182 Section 8. Subsection (3) is added to section 497.376,
183 Florida Statutes, to read:

184 497.376 License as funeral director and embalmer
185 permitted.—

186 (3) An applicant for a combination license by endorsement
187 as a funeral director and embalmer under s. 497.373 and s.
188 497.369, respectively, is not required to meet any educational
189 or testing requirements other than those in ss. 497.373(2)(b)
190 and 497.369(4).

191 Section 9. Paragraph (a) of subsection (2) of section
192 497.377, Florida Statutes, is amended to read:

193 497.377 Combination funeral director and embalmer
194 internships.—

195 (2)(a) An applicant who has not completed the educational
196 credentials required for a combination license as both funeral
197 director and embalmer is eligible for licensure as a combination
198 funeral director and embalmer intern if the applicant:

199 1. Holds an associate degree or higher in any field from a
200 college or university accredited by a regional accrediting
201 agency recognized by the United States Department of Education;
202 or

203 2. Is currently enrolled in and attending a college

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204 accredited by the American Board of Funeral Service Education
205 (ABFSE) in a course of study in mortuary science accredited by
206 ABFSE.

207 ~~2. Has completed at least 75 percent of the course of study~~
208 ~~in mortuary science as certified by the college in which the~~
209 ~~applicant is currently enrolled.~~

210 ~~3. Has taken and received a passing grade in a college~~
211 ~~credit course in mortuary law or funeral service law and has~~
212 ~~taken and received a passing grade in a college credit course in~~
213 ~~ethics.~~

214 Section 10. Present subsections (6) and (7) of section
215 497.386, Florida Statutes, are redesignated as subsections (7)
216 and (8), respectively, and a new subsection (6) is added to that
217 section, to read:

218 497.386 Storage, preservation, and transportation of human
219 remains.—

220 (6) If any human remains have been in the lawful possession
221 of any licensee or licensed facility for 90 days or more, and
222 the legally authorized person of the decedent fails, neglects,
223 or refuses to direct the disposition, the licensee or licensed
224 facility may dispose of the human remains. Any licensee or
225 licensed facility who disposes of human remains pursuant to this
226 subsection may not be held liable for any action arising out of
227 such disposal.

228 Section 11. Paragraph (b) of subsection (7) of section
229 497.459, Florida Statutes, is amended to read:

230 497.459 Cancellation of, or default on, preneed contracts;
231 required notice.—

232 (7) NOTICE TO PURCHASER OR LEGALLY AUTHORIZED PERSON.—

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233 (b)1. The notice in paragraph (a) must be provided by
 234 certified mail, registered mail, or permitted delivery service,
 235 ~~return receipt requested~~, to the last known ~~e-mail or mailing~~
 236 address of the purchaser or the beneficiary's legally authorized
 237 person, whichever is applicable, as provided to the preneed
 238 licensee. If the notice is returned as undeliverable within 30
 239 calendar days after the preneed licensee sent the notice, the
 240 trustee ~~must shall~~ perform a diligent search and inquiry to
 241 obtain a different ~~e-mail or mailing~~ address for the purchaser
 242 or the beneficiary's legally authorized person, whichever is
 243 applicable. The board may adopt rules to implement this
 244 subparagraph For purposes of this subparagraph, any address
 245 known and used by the purchaser or the beneficiary's legally
 246 authorized person, whichever is applicable, for sending regular
 247 mailings or other communications from the purchaser or the
 248 beneficiary's legally authorized person, whichever is
 249 applicable, to the preneed licensee or any address produced
 250 through a current address service or searchable database shall
 251 be included with other addresses produced from the diligent
 252 search and inquiry, if any. If the trustee's diligent search and
 253 inquiry produces an address different from the notice address,
 254 the trustee shall mail a copy of the notice by certified mail,
 255 registered mail, or permitted delivery service, return receipt
 256 requested, to any and all addresses produced as a result of the
 257 diligent search and inquiry.

258 2. If the purchaser or the beneficiary's legally authorized
 259 person, whichever is applicable, fails to respond to such notice
 260 within 120 days after delivery of the last mailed notice under
 261 subparagraph 1., the funds held in trust must be distributed in

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262 accordance with the terms of the preneed contract, the trust
 263 agreement, and any applicable provisions of chapter 717.

264 Section 12. Section 497.602, Florida Statutes, is amended
 265 to read:

266 497.602 Direct disposers; barring applications and
 267 licenses, license required, licensing procedures and criteria,
 268 regulation. Effective July 1, 2026, applications may not be
 269 submitted to, and licenses may not be issued by, the department
 270 for direct disposers. However, a person licensed as a direct
 271 disposer before July 1, 2026, may continue to practice as such,
 272 provided the person continues to renew their direct disposer
 273 license pursuant to s. 497.603.

274 ~~(1) LICENSE REQUIRED.~~ Any person who is not a licensed
 275 funeral director and who engages in the practice of direct
 276 disposition must be licensed pursuant to this section as a
 277 direct disposer.

278 ~~(2) APPLICATION PROCEDURES.~~

279 ~~(a) A person seeking licensure as a direct disposer shall~~
 280 ~~apply for such licensure using forms prescribed by rule.~~

281 ~~(b) The application shall require the name, residence~~
 282 ~~address, date and place of birth, and social security number of~~
 283 ~~the applicant.~~

284 ~~(c) The application may require information as to the~~
 285 ~~educational and employment history of the applicant.~~

286 ~~(d) The applicant shall be required to make disclosure of~~
 287 ~~the applicant's criminal records, if any, as required by s.~~
 288 ~~497.142.~~

289 ~~(e) The application shall require the applicant to disclose~~
 290 ~~whether the applicant has ever had a license or the authority to~~

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291 ~~practice a profession or occupation refused, suspended, fined,~~
 292 ~~denied, or otherwise acted against or disciplined by the~~
 293 ~~licensing authority of any jurisdiction. A licensing authority's~~
 294 ~~acceptance of a relinquishment of licensure, stipulation,~~
 295 ~~consent order, or other settlement, offered in response to or in~~
 296 ~~anticipation of the filing of charges against the license, shall~~
 297 ~~be construed as action against the license.~~

298 ~~(f) The applicant shall submit fingerprints in accordance~~
 299 ~~with s. 497.142.~~

300 ~~(g) The application shall require the applicant to~~
 301 ~~demonstrate that the applicant does, or will before commencing~~
 302 ~~operations under the license, comply with all requirements of~~
 303 ~~this chapter relating to the licensure applied for.~~

304 ~~(h) The application shall be signed by the applicant.~~

305 ~~(i) The application shall be accompanied by a nonrefundable~~
 306 ~~fee of \$300. The licensing authority may from time to time~~
 307 ~~increase the fee by rule but not to exceed more than \$500. A~~
 308 ~~member of the United States Armed Forces, such member's spouse,~~
 309 ~~and a veteran of the United States Armed Forces who separated~~
 310 ~~from service within the 2 years preceding application for~~
 311 ~~licensure are exempt from the application fee. To qualify for~~
 312 ~~the application fee exemption, an applicant must provide a copy~~
 313 ~~of a military identification card, military dependent~~
 314 ~~identification card, military service record, military personnel~~
 315 ~~file, veteran record, discharge paper, or separation document~~
 316 ~~that indicates such member is currently in good standing or such~~
 317 ~~veteran was honorably discharged.~~

318 ~~(3) ACTION CONCERNING APPLICATIONS. A duly completed~~
 319 ~~application for licensure under this section, accompanied by the~~

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320 ~~required fees, shall be approved if the licensing authority~~
 321 ~~determines that the following conditions are met:~~

322 ~~(a) The applicant is a natural person at least 18 years of~~
 323 ~~age and a high school graduate or equivalent.~~

324 ~~(b) The applicant has taken and received a passing grade in~~
 325 ~~a college credit course in mortuary law and has taken and~~
 326 ~~received a passing grade in a college credit course in ethics.~~

327 ~~(c) The applicant has completed a course on communicable~~
 328 ~~diseases approved by the licensing authority.~~

329 ~~(d) The applicant has passed an examination prepared by the~~
 330 ~~department on the local, state, and federal laws and rules~~
 331 ~~relating to the disposition of dead human bodies.~~

332 ~~(e) The applicant does or will prior to commencing~~
 333 ~~operations under the license comply with all requirements of~~
 334 ~~this chapter relating to the license applied for.~~

335 ~~(f) The applicant is of good character and has no~~
 336 ~~demonstrated history of lack of trustworthiness or integrity in~~
 337 ~~business or professional matters.~~

338 ~~(4) ISSUANCE OF LICENSE. Upon approval of the application~~
 339 ~~by the licensing authority, the license shall be issued. The~~
 340 ~~licensing authority shall recognize military-issued credentials~~
 341 ~~relating to funeral and cemetery services for purposes of~~
 342 ~~licensure as a direct disposer. A member of the United States~~
 343 ~~Armed Forces and a veteran of the United States Armed Forces~~
 344 ~~seeking licensure as a direct disposer under this section shall~~
 345 ~~submit to the licensing authority a certification that the~~
 346 ~~military issued credential reflects knowledge, training, and~~
 347 ~~experience substantially similar to the requirements of this~~
 348 ~~chapter for licensure as a direct disposer. The licensing~~

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349 authority shall adopt rules specifying forms and procedures to
 350 be used by members and veterans of the United States Armed
 351 Forces seeking licensure under this section. The licensing
 352 authority may conduct investigation and further inquiry of any
 353 person regarding any military issued credential sought to be
 354 recognized.

355 Section 13. Section 497.604, Florida Statutes, is amended
 356 to read:

357 497.604 Direct disposal establishments, license required;
 358 prohibition of applications and licenses licensing procedures
 359 and criteria; license renewal; regulation; display of license.-

360 (1) LICENSE REQUIRED.-A direct disposer may shall practice
 361 only at a direct disposal establishment which has been licensed
 362 under this section and which may be a cinerator facility
 363 licensed under s. 497.606. A ~~No~~ person may not open or maintain
 364 an establishment at which to engage in or hold herself or
 365 himself out as engaging in the practice of direct disposition
 366 unless such establishment is licensed pursuant to this section
 367 before July 1, 2026.

368 (2) APPLICATION AND LICENSING BARRED PROCEDURES.-Effective
 369 July 1, 2026, applications may not be submitted to, and licenses
 370 may not be issued by, the department for direct disposal
 371 establishments. However, a person licensed as a direct disposal
 372 establishment before July 1, 2026, may continue to practice as
 373 such, provided the person continues to renew his or her direct
 374 disposal establishment license pursuant to subsection (3).

375 ~~(a) A person seeking licensure as a direct disposal~~
 376 ~~establishment shall apply for such licensure using forms~~
 377 ~~prescribed by rule.~~

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378 ~~(b) The application shall require the name, business~~
 379 ~~address, residence address, date and place of birth or~~
 380 ~~incorporation, and business phone number, of the applicant and~~
 381 ~~all principals of the applicant. The application shall require~~
 382 ~~the applicant's social security number or, if the applicant is~~
 383 ~~an entity, its federal tax identification number.~~

384 ~~(c) The application shall name the licensed direct disposer~~
 385 ~~or licensed funeral director acting as the direct disposer in~~
 386 ~~charge of the direct disposal establishment.~~

387 ~~(d) The application may require information as to the~~
 388 ~~applicant's financial resources.~~

389 ~~(e) The application may require information as to the~~
 390 ~~educational and employment history of an individual applicant,~~
 391 ~~and as to applicants that are not natural persons, the business~~
 392 ~~and employment history of the applicant and principals of the~~
 393 ~~applicant.~~

394 ~~(f) The applicant shall be required to make disclosure of~~
 395 ~~the applicant's criminal records, if any, as required by s.~~
 396 ~~497.142.~~

397 ~~(g) The application shall require the applicant to disclose~~
 398 ~~whether the applicant or any of the applicant's principals~~
 399 ~~including its proposed supervising licensee has ever had a~~
 400 ~~license or the authority to practice a profession or occupation~~
 401 ~~refused, suspended, fined, denied, or otherwise acted against or~~
 402 ~~disciplined by the licensing authority of any jurisdiction. A~~
 403 ~~licensing authority's acceptance of a relinquishment of~~
 404 ~~licensure, stipulation, consent order, or other settlement,~~
 405 ~~offered in response to or in anticipation of the filing of~~
 406 ~~charges against the license, shall be construed as action~~

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407 against the license.

408 ~~(h) The applicant shall submit fingerprints in accordance~~
 409 ~~with s. 497.142.~~

410 ~~(i) The application shall require the applicant to~~
 411 ~~demonstrate that the applicant does, or will before commencing~~
 412 ~~operations under the license, comply with all requirements of~~
 413 ~~this chapter relating to the licensure applied for.~~

414 ~~(j) The application shall be signed in accordance with s.~~
 415 ~~497.141(12).~~

416 ~~(k) The application shall be accompanied by a nonrefundable~~
 417 ~~fee of \$300. The licensing authority may from time to time by~~
 418 ~~rule increase the fee but not to exceed \$500.~~

419 ~~(3) ACTION CONCERNING APPLICATIONS. A duly completed~~
 420 ~~application for licensure under this section, accompanied by the~~
 421 ~~required fee, shall be approved if the licensing authority~~
 422 ~~determines that the following conditions are met:~~

423 ~~(a) The applicant is a natural person at least 18 years of~~
 424 ~~age, a corporation, a partnership, or a limited liability~~
 425 ~~company.~~

426 ~~(b) The applicant does or will prior to commencing~~
 427 ~~operations under the license comply with all requirements of~~
 428 ~~this chapter relating to the license applied for. The applicant~~
 429 ~~shall have passed an inspection prior to issuance of a license~~
 430 ~~under this section, in accordance with rules of the licensing~~
 431 ~~authority.~~

432 ~~(c) The applicant and the applicant's principals are of~~
 433 ~~good character and have no demonstrated history of lack of~~
 434 ~~trustworthiness or integrity in business or professional~~
 435 ~~matters.~~

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436 ~~(4) ISSUANCE OF LICENSE. Upon approval of the application~~
 437 ~~by the licensing authority, the license shall be issued.~~

438 ~~(5) PROBATIONARY STATUS. It is the policy of this state to~~
 439 ~~encourage competition for the public benefit in the direct~~
 440 ~~disposal establishment business by, among other means, the entry~~
 441 ~~of new licensees into that business. To facilitate issuance of~~
 442 ~~licenses concerning applications judged by the licensing~~
 443 ~~authority to be borderline as to qualification for licensure,~~
 444 ~~the licensing authority may issue a new license under this~~
 445 ~~section on a probationary basis, subject to conditions specified~~
 446 ~~by the licensing authority on a case-by-case basis, which~~
 447 ~~conditions may impose special monitoring, reporting, and~~
 448 ~~restrictions on operations for up to the first 24 months of~~
 449 ~~licensure, to ensure the licensee's responsibility, competency,~~
 450 ~~financial stability, and compliance with this chapter. However,~~
 451 ~~no such probationary license shall be issued unless the~~
 452 ~~licensing authority determines that issuance would not pose an~~
 453 ~~unreasonable risk to the public, and the licensing authority~~
 454 ~~must within 24 months after issuance of the license either~~
 455 ~~remove the probationary status or determine that the licensee is~~
 456 ~~not qualified for licensure under this chapter and institute~~
 457 ~~proceedings for revocation of licensure.~~

458 ~~(3)(6) RENEWAL OF LICENSE. A direct disposal establishment~~
 459 ~~license shall be renewed biennially pursuant to schedule, forms,~~
 460 ~~and procedures and upon payment of a fee of \$200. The licensing~~
 461 ~~authority may from time to time increase the fee by rule but not~~
 462 ~~to exceed \$400.~~

463 ~~(4)(7) CHANGES SUBSEQUENT TO LICENSURE. Each licensee under~~
 464 ~~this section shall provide notice as required by rule prior to~~

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465 any change in location or control of the licensee or licensed
 466 person in charge of the licensee's operations. A change in
 467 control is subject to approval by the licensing authority and to
 468 reasonable conditions imposed by the licensing authority, for
 469 the protection of the public to ensure compliance with this
 470 chapter. Operations by the licensee at a new location may not
 471 commence until an inspection by the licensing authority of the
 472 facilities at the new location, pursuant to rules of the
 473 licensing authority, has been conducted and passed.

474 ~~(5)-(8)~~ SUPERVISION OF FACILITIES.-

475 (a) Each direct disposal establishment shall have a funeral
 476 director in charge, subject to s. 497.380(7). However, a
 477 licensed direct disposer may continue acting as the direct
 478 disposer in charge if, as of September 30, 2010:

479 1. The direct disposal establishment and the licensed
 480 direct disposer both have active, valid licenses.

481 2. The licensed direct disposer is currently acting as the
 482 direct disposer in charge of the direct disposal establishment.

483 3. The name of the licensed direct disposer was included,
 484 ~~as required in paragraph (2)(c),~~ in the direct disposal
 485 establishment's most recent application for ~~issuance or~~ renewal
 486 of its license or was included in the establishment's notice of
 487 change provided under subsection ~~(4)-(7)~~.

488 (b) The funeral director in charge or direct disposer in
 489 charge of a direct disposal establishment must be reasonably
 490 available to the public during normal business hours for the
 491 establishment. The funeral director in charge or direct disposer
 492 in charge of the establishment is responsible for making sure
 493 the facility, its operations, and all persons employed in the

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494 facility comply with all applicable state and federal laws and
 495 rules. A funeral director in charge, with appropriate, active
 496 licenses, may serve as a funeral director in charge for not more
 497 than a total of two of the following: funeral establishments,
 498 centralized embalming facilities, direct disposal
 499 establishments, or cinerator facilities, as long as the two
 500 locations are not more than 75 miles apart as measured in a
 501 straight line.

502 ~~(6)-(9)~~ REGULATION OF DIRECT DISPOSAL ESTABLISHMENTS.-

503 (a) There shall be established by rule standards for direct
 504 disposal establishments, including, but not limited to,
 505 requirements for refrigeration and storage of dead human bodies.

506 (b) The practice of direct disposition must be engaged in
 507 at a fixed location of at least 625 contiguous interior
 508 ~~contiguous~~ square feet, to be used solely for the business of
 509 the establishment, and must maintain or make arrangements for
 510 suitable capacity for the refrigeration and storage of dead
 511 human bodies handled and stored by the establishment.

512 (c) Each direct disposal establishment ~~is shall~~ at all
 513 times ~~be~~ subject to the inspection of all its buildings,
 514 grounds, and vehicles used in the conduct of its business, by
 515 the department, the Department of Health, and local government
 516 inspectors and by their agents. Rules must ~~There shall~~ be
 517 adopted ~~to rules which~~ establish such inspection requirements.
 518 ~~There shall be adopted by rule of~~ The licensing authority shall
 519 charge an annual inspection fee not to exceed \$300, payable ~~upon~~
 520 ~~issuance of license and~~ upon each renewal of such license.

521 (d) Each direct disposal establishment must display at the
 522 public entrance the name of the establishment and the name of

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523 the licensed direct disposer or licensed funeral director acting
524 as the direct disposer in charge of the establishment. A direct
525 disposal establishment must transact its business under the name
526 by which it is licensed.

527 (e) A direct disposal establishment may not be operated at
528 the same location as any other direct disposal establishment or
529 funeral establishment unless such establishments were licensed
530 as colocated establishments on July 1, 2000.

531 (f) A direct disposal establishment shall retain all signed
532 contracts for a period of at least 2 years.

533 ~~(7)(10)~~ DISPLAY OF LICENSE.—

534 (a) A direct disposal ~~disposer~~ establishment and each
535 direct disposer, or funeral director acting as a direct
536 disposer, employed at the establishment must display their
537 current licenses in a conspicuous place within the establishment
538 in such a manner as to make the licenses visible to the public
539 and to facilitate inspection by the licensing authority. If a
540 licensee is simultaneously employed at more than one location,
541 the licensee may display a copy of the license in lieu of the
542 original.

543 (b) Each licensee shall permanently affix a photograph
544 taken of the licensee within the previous 6 years to each
545 displayed license issued to that licensee as a direct disposer
546 or funeral director acting as a direct disposer.

547 Section 14. Paragraph (a) of subsection (3) of section
548 497.607, Florida Statutes, is amended to read:

549 497.607 Cremation; procedure required.—

550 (3)(a) With respect to any person who intends to provide
551 for the cremation of the deceased, if, after 90 ~~a period of 120~~

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552 days from the time of cremation the cremated remains have not
553 been claimed, the funeral or direct disposal establishment may
554 dispose of the cremated remains. Such disposal includes ~~shall~~
555 ~~include~~ scattering them at sea or placing them in a licensed
556 cemetery scattering garden or pond or in a church columbarium or
557 otherwise disposing of the remains as provided by rule.

558 Section 15. Subsection (5) of section 627.404, Florida
559 Statutes, is amended to read:

560 627.404 Insurable interest; personal insurance.—

561 (5) A contract of insurance upon a person, other than a
562 policy of prepaid funeral contract, group life insurance or
563 group or blanket accident, health, or disability insurance, may
564 not be carried out ~~effectuated~~ unless, on or before the time of
565 entering into such contract, the person insured, having legal
566 capacity to contract, applies for or consents in writing to the
567 contract and its terms, except that any person having an
568 insurable interest in the life of a minor younger than 15 years
569 of age or any person upon whom a minor younger than 15 years of
570 age is dependent for support and maintenance may obtain
571 ~~effectuate~~ a policy of insurance on the minor.

572 Section 16. For the purpose of incorporating the amendment
573 made by this act to section 497.263, Florida Statutes, in a
574 reference thereto, subsection (5) of section 497.260, Florida
575 Statutes, is reenacted to read:

576 497.260 Cemeteries; exemption; investigation and
577 mediation.—

578 (5) Any religious-institution-owned cemetery exempt under
579 subsection (1), except those cemeteries qualifying under
580 paragraph (1)(d), which becomes affiliated with a commercial

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581 enterprise must meet the requirements of s. 497.263.

582 Section 17. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 5, 2026

The Honorable Joe Gruters
413 Senate Office Building
Tallahassee, FL 32399

Dear Chairman, Gruters,

I would like to request SB 598 Funeral & Cemetery Regulations be placed on the next available agenda to be heard in the Banking & Insurance Committee meeting.

This bill revises consumer services statutes and licensing.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: James Knudson, Staff Director
Amaura Canty, Administrative Assistant

REPLY TO:

- Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- 16207 State Road 50, Suite 401, Clermont, Florida 34711
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
APPEARANCE RECORD

598

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Timothy Kitchen

Phone 850-528 4441

Address Florida Mortician Assoc
Street

Email _____

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

598

2/11/24
Meeting Date

Bill Number or Topic

B + I
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Heather Bernier Phone 766 5782

Address 119 S. Monroe Email hbernier@ifad.org
Street

Tallahassee 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Independent Funeral directors of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

598

2/11/20

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Running + Insurance

Committee

Amendment Barcode (if applicable)

Name: Ryan Meadows

Phone: 850-443-4473

Address: 528 Moss View Way

Email: ryan@thetraininggroup.com

Tallahassee FL 32312

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

FCCFA

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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: SB 632

INTRODUCER: Senator DiCeglie

SUBJECT: Transportation Network Company, Driver, and Vehicle Owner Insurance

DATE: February 10, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Knudson	Knudson	BI	Favorable
2.			TR	
3.			RC	

I. Summary:

SB 632 reduces transportation network company (TNC) and TNC driver insurance requirements during the period when a TNC driver has accepted a prearranged ride but a rider does not occupy the TNC vehicle. The insurance requirements are reduced from at least \$1 million in primary automobile liability coverage for death, bodily injury, and property damage to primary automobile liability coverage with limits of at least \$50,000 for death and bodily injury per person subject to a limit of at least \$100,000 per incident and limits of at least \$25,000 for property damage.

The bill also requires the transportation network company to meet the statutory TNC insurance requirement unless the driver maintains a policy that does not exclude coverage that would meet the statutory TNC insurance requirements. Many private passenger automobile insurance policies have a livery exclusion which excludes coverage when the covered automobile is used to transport people or property for a fee.

The bill's effective date is July 1, 2026.

II. Present Situation:

Transportation Network Companies (TNCs)

Transportation network companies (TNCs) are businesses that use a digital network to connect riders with drivers who provide prearranged rides.¹ Examples of TNCs include Uber and Lyft. Chapter 627.748, F.S., governs the operation of TNCs, including their insurance coverage requirements.

¹ Section 627.748(1)(e), F.S.

A “TNC vehicle” is defined as a vehicle that is used by a TNC driver to offer or provide a prearranged ride and is owned, leased, or otherwise authorized to be used by the TNC driver. A vehicle that is let or rented to another for consideration may be used as a TNC vehicle. A taxicab or jitney is not a TNC vehicle.²

Statute also defines the term “prearranged ride” as the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network³ controlled by a TNC, continuing while the TNC driver transports the requesting rider, and ending when the last requesting rider departs from the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail⁴ service and does not include ridesharing,⁵ carpool,⁶ or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.⁷

TNC Coverage Requirements

Current law requires a TNC driver, or a TNC on behalf of the TNC driver, to maintain auto insurance that recognizes the TNC driver as a TNC driver or an individual who uses the vehicle to transport riders for compensation and covers the TNC driver while the TNC driver is logged on to the digital network or engaged in a prearranged ride.⁸ Different insurance requirements apply for these two scenarios. The required coverage is significantly higher for TNC drivers engaged in a prearranged ride.

The following coverage requirements apply while a TNC driver is logged on to the digital network but not engaged in a prearranged ride:⁹

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage.
- Personal injury protection benefits that meet the minimum coverage amounts required under sections 627.730-627.7405, F.S.¹⁰

² Section 627.748(1)(h), F.S.

³ “Digital network” is defined as any online-enabled technology application service, website, or system offered or used by a TNC which enables the prearrangement of riders with TNC drivers. Section 627.748(1)(a), F.S.

⁴ “Street hail” is defined as an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation. Section 627.748(1)(d), F.S.

⁵ Section 341.031(9)(a), F.S., defines “ridesharing” as an arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination. For purposes of ridesharing, employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall be deemed to terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer. However, an employee shall be deemed to be within the course of employment when the employee is engaged in the performance of duties assigned or directed by the employer, or acting in the furtherance of the business of the employer, irrespective of location.

⁶ Section 450.28(3), F.S., defines “carpool” as an arrangement made by the workers using one worker's own vehicle for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.

⁷ Section 627.748(1)(b), F.S.

⁸ Section 627.748(7)(a), F.S.

⁹ Section 627.748(7)(b), F.S.

¹⁰ Sections 627.730-627.7405, F.S., are the “Florida Motor Vehicle No-Fault Law.” The law requires Florida motor vehicle owners to maintain Personal Injury Protection (PIP) insurance coverage.

- Uninsured and underinsured vehicle coverage as required by section 627.727, F.S.¹¹

Current law applies the following coverage requirements while a TNC driver is engaged in a prearranged ride, both when connected to a rider but the rider is not yet in the vehicle and when the rider is in the vehicle:¹²

- A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage.
- Personal injury protection meeting the minimum coverage amounts required for a limousine under 627.730-627.7405, F.S.
- Uninsured and underinsured vehicle coverage as required by section 627.727, F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 627.748(7), F.S., to reduce transportation network company (TNC) and TNC driver insurance requirements during the period when a TNC driver has accepted a prearranged ride but a rider does not yet occupy the TNC vehicle. The insurance requirements are reduced from at least \$1 million in primary automobile liability coverage for death, bodily injury, and property damage to primary automobile liability coverage with limits of at least \$50,000 for death and bodily injury per person subject to a limit of at least \$100,000 per incident and limits of at least \$25,000 for property damage.

Section 2 provides that the act takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹¹ Section 627.727, F.S., provides uninsured and underinsured vehicle coverage requirements for all motor vehicle liability policies issued in Florida.

¹² Section 627.748(7)(c), F.S.

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

None.

B. Private Sector Impact:

The reduction in the statutorily required minimum automobile liability insurance coverage limits imposed upon transportation network companies and TNC drivers for will reduce the costs incurred by TNCs and TNC drivers to procure such insurance, increase the likelihood that a TNC driver or TNC will be liable for extracontractual damages if negligently responsible for damages related to an automobile accident that occurs when the TNC driver is on-route to pick up a rider for a prearranged ride, and reduce the insurance proceeds that may be recovered by parties in other vehicles injured due to the negligence of a TNC or TNC driver that occurs when the TNC driver is on-route to pick up a rider for a prearranged ride.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.748

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

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

None.

B. Amendments:

None.

By Senator DiCeglie

18-00478-26

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1 A bill to be entitled
2 An act relating to transportation network company,
3 driver, and vehicle owner insurance; amending s.
4 627.748, F.S.; revising automobile insurance
5 requirements for transportation network companies,
6 transportation network company drivers, and
7 transportation network company vehicle owners;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Present paragraphs (c) through (i) of subsection
13 (7) of section 627.748, Florida Statutes, are redesignated as
14 paragraphs (d) through (j), respectively, a new paragraph (c) is
15 added to that subsection, and paragraph (a) and present
16 paragraphs (c), (d), and (h) of that subsection are amended, to
17 read:

18 627.748 Transportation network companies.—

19 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
20 REQUIREMENTS.—

21 (a) Beginning July 1, 2026 ~~2017~~, a TNC driver or a TNC on
22 behalf of the TNC driver shall maintain primary automobile
23 insurance that:

24 1. Recognizes that the TNC driver is a TNC driver or
25 otherwise uses a vehicle to transport riders for compensation;
26 and

27 2. Covers the TNC driver while the TNC driver is logged on
28 to the digital network of the TNC or while the TNC driver is
29 engaged in a prearranged ride.

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30 (c) The following automobile insurance requirements apply
31 while a participating TNC driver has accepted a prearranged ride
32 but a rider does not occupy the TNC vehicle:

33 1. Automobile insurance that provides:

34 a. A primary automobile liability coverage of at least
35 \$50,000 for death and bodily injury per person, \$100,000 for
36 death and bodily injury per incident, and \$25,000 for property
37 damage;

38 b. Personal injury protection benefits that meet the
39 minimum coverage amounts required under ss. 627.730-627.7405;
40 and

41 c. Uninsured and underinsured vehicle coverage as required
42 by s. 627.727.

43 2. The coverage requirements of this paragraph may be
44 satisfied by any of the following:

45 a. Automobile insurance maintained by the TNC driver or the
46 TNC vehicle owner;

47 b. Automobile insurance maintained by the TNC; or

48 c. A combination of sub-subparagraphs a. and b.

49 (d) ~~e~~ The following automobile insurance requirements
50 apply while a TNC driver is engaged in a prearranged ride and a
51 rider occupies the TNC vehicle:

52 1. Automobile insurance that provides:

53 a. A primary automobile liability coverage of at least \$1
54 million for death, bodily injury, and property damage;

55 b. Personal injury protection benefits that meet the
56 minimum coverage amounts required of a limousine under ss.

57 627.730-627.7405; and

58 c. Uninsured and underinsured vehicle coverage as required

Page 2 of 4

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59 by s. 627.727.

60 2. The coverage requirements of this paragraph may be
61 satisfied by any of the following:

62 a. Automobile insurance maintained by the TNC driver or the
63 TNC vehicle owner;

64 b. Automobile insurance maintained by the TNC; or

65 c. A combination of sub-subparagraphs a. and b.

66 (e)(d) The TNC shall maintain the required coverage under
67 paragraphs (b), (c), and (d) unless the driver maintains a
68 policy that does not exclude, pursuant to subsection (8), the
69 required coverage under paragraph (b), paragraph (c), or
70 paragraph (d). If the insurance maintained by the TNC driver ~~TNC~~
71 ~~driver's insurance~~ under paragraph (b), ~~or~~ paragraph (c), or
72 paragraph (d) lapses, has lapsed or does not provide the
73 ~~required coverage, the insurance maintained by the TNC must~~
74 provide the coverage required under this subsection, beginning
75 with the first dollar of a claim, and have the duty to defend
76 such claim.

77 (i)(h) A TNC driver shall carry proof of coverage
78 satisfying paragraphs (b), ~~and~~ (c), and (d) with him or her at
79 all times during his or her use of a TNC vehicle in connection
80 with a digital network. In the event of an accident, a TNC
81 driver shall provide this insurance coverage information to any
82 party directly involved in the accident or the party's
83 designated representative, automobile insurers, and
84 investigating police officers. Proof of financial responsibility
85 may be presented through an electronic device, such as a digital
86 phone application, under s. 316.646. Upon request, a TNC driver
87 shall also disclose to any party directly involved in the

Page 3 of 4

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88 accident or the party's designated representative, automobile
89 insurers, and investigating police officers whether he or she
90 was logged on to a digital network or was engaged in a
91 prearranged ride at the time of the accident.

92 Section 2. This act shall take effect July 1, 2026.

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THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

January 30th, 2026

Dear Chair Gruters,

I respectfully request that **SB 632: Transportation Network Company, Driver, and Vehicle Owner Insurance** be placed on the agenda of the Committee on Banking and Insurance. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/11/26

Meeting Date

432

Bill Number or Topic

Banking Insurance

Committee

Amendment Barcode (if applicable)

Name

Matthew Posgay

Phone

904-356-6071

Address

136 East Bay Street

Email

mnpc@cockerlaw.com

Street

Jacksonville, FL 32202

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

SB632

2-11-26

Meeting Date

Bill Number or Topic

Banking + Insurance

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Matthew Van Name (Lyft)

Phone

813-731-0028

Address

1111 Pine Street

Email

matthewv@lyft.com

Street

Tallahassee

FL

32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Lyft, Inc.

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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 786

INTRODUCER: Judiciary Committee and Senator Berman

SUBJECT: Trusts

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 786 amends the Florida Trust Code to create a summary procedure for trustee discharge that does not involve court proceedings. This procedure allows a trustee of an irrevocable trust to settle his or her accounts and be discharged of responsibilities and liabilities if no beneficiaries object. Current trustee discharge procedures require the approval of a court. The new procedure does not displace other discharge procedures in statute. If a beneficiary objects to the summary discharge of the trustee, the trustee must follow the current statutory discharge procedure.

The new summary discharge procedure is authorized if:

- The trust is irrevocable; and
- The trustee has substantially complied with the statutory requirements to provide information and accountings to trust beneficiaries.

To initiate the procedure, the trustee must provide trust beneficiaries, and potentially others, with:

- Disclosures relating to the trust assets, including a plan of distribution;
- Contact information for the trustee;
- A statement that the trust has terminated or that the trustee has resigned or has been removed; and
- A notice that claims against the trustee will be barred unless a beneficiary submits a written objection to the trustee within 60 days.

If the trustee does not receive a timely objection, the trustee is discharged upon completion of all distributions or transfers in accordance with the plan of distribution.

The bill applies to irrevocable trusts and trusts that become irrevocable after the bill becomes effective.

The bill becomes effective upon becoming law.

II. Present Situation:

Trusts are an estate planning tool often used to transfer property and protect assets while avoiding lengthy or costly probate proceedings. The Florida Trust Code, which became effective in 2007, is contained in ch. 736, F.S. It governs the creation of trusts and the fiduciary and administrative responsibilities of trustees to manage property held in trust for the benefit of others. The code also establishes the process whereby a trustee may be discharged of his or her responsibilities.

In its most basic form, a trust is a legally binding relationship in which a person who owns property gives that property to a second person to hold and manage for the benefit of a third person. The settlor is the person who originally owned the property and created the trust. The trustee is the person who holds legal title to the trust property and manages it in accordance with the powers and responsibilities established in the terms of the trust. A beneficiary is the person for whom the property is held and who benefits from the trust.¹

Duties of a Trustee

Once a person accepts a trusteeship, he or she becomes the custodian of the trust and holds legal title to its assets. The trustee is required to administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, as well as in compliance with the Trust Code.² A trustee must administer the assets of the trust “solely in the interests of the beneficiaries”³ and take steps to protect the trust property.⁴ Additionally, a trustee is required to keep clear, distinct, and accurate records of the administration of the trust.⁵

The statutes require a trustee to keep the qualified beneficiaries “reasonably informed” of the trust and its administration.⁶ To meet this responsibility, a trustee provides a trust accounting to the beneficiaries. The accounting must be a “reasonably understandable report” from the date of the last accounting or, if there was none, from the date the trustee became accountable. In part, an accounting must show all cash and property transactions, a statement of compensation paid to the trustee and his or her agents, gains and losses, as well as receipts and disbursements. To the extent feasible, the accounting must identify and value trust assets and certain liabilities, receipts

¹ Restatement (Third) Trusts, s. 3, (2003) Settlor, Trust Property, Trustee, and Beneficiary; BLACK’S LAW DICTIONARY (12th ed. 2024); 55A FLA. JUR 2D TRUSTS s. 114 *Trustees, Generally* (2024).

² 55A Fla. Jur 2d Trusts s. 114 and s. 736.0801, F.S.

³ Section 736.0802(1), F.S.

⁴ Section 736.0809, F.S.

⁵ Section 736.0810, F.S.

⁶ Section 736.0813, F.S.

and disbursements, and a plan of distribution.⁷ It is the responsibility of the trustee of an irrevocable trust to provide an accounting annually and upon the termination of the trust.⁸

Ending the Trustee Relationship Through Resignation or Removal

A trustee may resign according to the terms established in the trust document and upon providing notice to the cotrustees or, if there are none, to the successor trustee, or if there is none, by giving notice to the person who has the authority to appoint a successor trustee. Additionally, a trustee may also resign by giving at least 30 days' notice to the qualified beneficiaries, the settlor, if he or she is living, and all cotrustees, or with approval of a court. When a trustee resigns with court approval, the court may issue orders and impose conditions that are reasonably necessary for the protection of the trust property.⁹ A settlor, cotrustee, or a beneficiary may request the court to remove a trustee or a trustee may be removed by the court upon the court's own initiative.¹⁰

When a Trustee is Discharged from Duty

When a trustee is discharged from the responsibilities of the trust, he or she is no longer responsible for the duties of administering the trust. Additionally, when the trustee is discharged, he or she is protected against future legal claims related to his or her actions while serving as trustee of the trust.

III. Effect of Proposed Changes:

The bill creates a summary procedure for a trustee of an irrevocable trust to be discharged of his or her duties and liabilities resulting from service as a trustee. The procedure avoids the need for court proceedings. However, if a beneficiary files a timely written objection, the process ends and the existing discharge proceedings must be followed.

When Discharge May Occur

A trustee who has substantially complied with his or her duties may obtain a settlement of accounts and be discharged when either of the following occurs 6 months after the trustee accepted the responsibility to serve:

- The trust terminates, or
- A trustee resigns or is removed from the trust.

Trust Disclosure Document

A trustee who is seeking settlement of his or her accounts and to be discharged of his or her duties must send a trust disclosure document¹¹ to the qualified beneficiaries and any cotrustee as well as the immediate successor trustee if the trust is not terminating.

⁷ Section 736.08135, F.S.

⁸ Section 736.0813(1)(d), F.S.

⁹ Section 736.0705, F.S.

¹⁰ Section 736.0706, F.S.

¹¹ Section 736.1008(4)(c), F.S., provides that a trust disclosure document means a trust accounting or any other written report of the trustee or a trust director. It adequately discloses a matter if the document provides sufficient information so that a beneficiary knows of a claim or reasonably should have inquired into the existence of a claim with respect to that matter.

Contents

The trust disclosure document must contain the following:

- The trustee's name, mailing address, telephone number, and e-mail address.
- A distribution plan which includes: a schedule of the trust's assets that are reasonably anticipated to be disbursed or distributed by the trustee; the amount of any debts, expenses, and taxes to be paid by the trustee; and any reasonable reserve to be held by the trustee.
- A trust accounting if the trustee's duty to provide an account has not been waived. The accounting must cover the time period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.
- A statement that the trust has either terminated or that the trustee has resigned or been removed.
- A notice that contains substantially the following language in at least 12-point type:

“NOTICE: Any claim or cause of action you might have against the trustee arising from any matter disclosed in a trust disclosure document may be barred unless a written statement objecting is received by the trustee from you within 60 days after your receipt of this trust disclosure document and notice. If you have questions, please consult your attorney.”

Additional Responsibility to Notify

The trustee must also send the trust disclosure document to any person he or she reasonably believes would be affected by the trust disclosure document. The document and any objections must be sent in a manner authorized in s. 736.0109, F.S., except by posting on an electronic account or website.

When This Procedure May Not Be Used

If a trustee receives a written objection within 60 days after sending the trust disclosure document, this process does not result in the settlement of accounts or the discharge of the trustee's duties and liabilities. It is not necessary that the objection state the grounds on which the objection is based nor must the objection be in any particular form.

Discharge of the Trustee from Liability and Claims

If the trustee does not receive a timely written objection, he or she is discharged when all of the distributions or transfers are made in accordance with the plan of distribution. The trustee is discharged from all liability and claims that may arise from any matter that was adequately disclosed in the trust disclosure document, including a claim that he or she failed to provide information and accountings to beneficiaries as required by s. 736.0813, F.S. The discharge of the trustee's liability has the same effect as if a court had entered a final order approving that act or the omitted act.

Waiver of the Right to Object

A waiver of the right to object under this bill is treated as the expiration of the 60-day period without objection. Stated slightly differently, a beneficiary is considered to have approved the document unless his or her written objection is received by the trustee within the 60-day time frame.

Applicability

The act applies to all trusts that are irrevocable or become irrevocable on or after the effective date of the bill.

The bill takes effect 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.

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:

This summary procedure will likely reduce or avoid the cost for legal, accounting, and administrative fees currently associated with trust administrations. These savings will be passed on to trust beneficiaries who are currently required to absorb these costs in judicial proceedings.

C. **Government Sector Impact:**

Because this process does not involve a judicial proceeding, it will likely reduce the amount of time a judge and court staff would otherwise spend to discharge a trustee.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates s. 736.10081 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

CS by Judiciary on February 3, 2026:

The committee substitute makes two technical changes to the bill. It adds the phrase “nonjudicial” to the catchline in s. 736.10081, F.S., to more accurately describe the section and removes the repetitive word “after” on line 31.

B. **Amendments:**

None.

By the Committee on Judiciary; and Senator Berman

590-02448-26

2026786c1

A bill to be entitled

An act relating to trusts; creating s. 736.10081, F.S.; authorizing a trustee to obtain a settlement of his or her accounts and be discharged under certain circumstances; requiring a trustee seeking settlement and discharge to send a trust disclosure document to specified persons; requiring that certain information be included in the trust disclosure document; requiring that the trust disclosure document and any objections be sent with a certain notice; providing applicability; providing that an objection need not state the grounds for the objection; providing that a trustee is discharged upon completion of distributions or transfers if no timely written objections are received and is discharged from all liability and claims arising out of any matter disclosed in the trust disclosure document; providing that a waiver of the right to object is treated as an expiration of the timeframe to object; providing construction; providing applicability; providing an effective date.

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

Section 1. Section 736.10081, Florida Statutes, is created to read:

736.10081 Nonjudicial settlement and discharge of a trustee; disclosure; objections.-

(1) A trustee who is in substantial compliance with the duty to inform and account under s. 736.0813 may obtain a

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02448-26

2026786c1

settlement of his or her accounts and be discharged pursuant to this section when either of the following occurs 6 months after the trustee's acceptance:

(a) The trust terminates.

(b) A trustee resigns or is removed from the trust.

(2) A trustee seeking settlement and discharge pursuant to this section must send to the trust's qualified beneficiaries and any cotrustee, and the immediate successor trustee if the trust is not terminating, a trust disclosure document as defined in s. 736.1008(4) which contains all of the following:

(a) The name, mailing address, telephone number, and e-mail address of the trustee seeking discharge.

(b) A plan of distribution which includes all of the following:

1. A schedule of the assets reasonably anticipated to be disbursed or distributed by the trustee.

2. The amount of any debts, expenses, and taxes to be paid by the trustee.

3. Any reasonable reserve to be held by the trustee.

(c) If the trustee's duty to account has not been waived, a trust accounting as defined in s. 736.1008(4) for the period for which an accounting has not been previously provided to the qualified beneficiaries of the trust.

(d) A statement that the trust has terminated or that the trustee has resigned or has been removed.

(e) A notice with substantially the following language in at least 12-point type:

"NOTICE: Any claim or cause of action you might have

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02448-26

2026786c1

59 against the trustee arising from any matter disclosed
 60 in a trust disclosure document may be barred unless a
 61 written statement objecting is received by the trustee
 62 from you within 60 days after your receipt of this
 63 trust disclosure document and notice. If you have
 64 questions, please consult your attorney."

65
 66 (3) The trustee shall also send the trust disclosure
 67 document described in subsection (2) to any other person whom
 68 the trustee reasonably believes would be affected by the trust
 69 disclosure document. The trust disclosure document and any
 70 objections must be sent with the notice requirements of s.
 71 736.0109, except that s. 736.0109(3) does not apply.

72 (4) This section does not apply if the trustee receives a
 73 written objection within 60 days after sending the trust
 74 disclosure document. An objection does not need to state the
 75 grounds for the objection or be in any particular form.

76 (5) If the trustee does not receive a timely written
 77 objection, the trustee is discharged upon completion of all
 78 distributions or transfers in accordance with the plan of
 79 distribution and is discharged from all liability and claims
 80 arising from any matter adequately disclosed in the trust
 81 disclosure document, including any claim that the trustee failed
 82 to inform and account pursuant to s. 736.0813, with the same
 83 effect as if the court had entered a final order approving that
 84 act or omission.

85 (6) A waiver of the right to object pursuant to this
 86 section is treated as the expiration of the 60-day period
 87 without objection.

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02448-26

2026786c1

88 (7) This section is in addition to, and not a replacement
 89 of, rights of a trustee to otherwise settle the trustee's
 90 accounts.

91 Section 2. This act applies to all trusts that are
 92 irrevocable or become irrevocable on or after the effective date
 93 of this act.

94 Section 3. This act shall take effect upon becoming a law.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Banking and Insurance

Subject: Committee Agenda Request

Date: February 4, 2026

I respectfully request that **Senate Bill #786**, relating to Trusts, be placed on the:

- committee agenda at your earliest possible convenience.
- Next committee agenda.

A handwritten signature in cursive script that reads "Lori Berman".

Senator Lori Berman
Florida Senate, District 26

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/11/20

Meeting Date

786

Bill Number or Topic

Banking + Ins

Committee

Amendment Barcode (if applicable)

Name Ann Michelle Palecki

Phone 910-742-1503

Address 1001 Transville Rd Ste 200

Email apalecki@fbankers.com

Tallahassee

City

FL

State

32303

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Bankers Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/11/26

786

Meeting Date

Bill Number (if applicable)

Topic Support SB 786 in Banking and Insurance Committee

Amendment Barcode (if applicable)

Name Martha Edenfield

Job Title Attorney

Address 1700 N. Monroe Street #11-174

Phone 850.556.8611

Street

Tallahassee

FL

32303

Email martha@marthajedenfield.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Real Property, Probate, and Trust Law Section of the Florida Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 1110

INTRODUCER: Banking and Insurance Committee and Senators Truenow and Smith

SUBJECT: Coverage for Orthotics and Prosthetics Services

DATE: February 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Fav/CS
2.			AHS	
3.			AP	

I. Summary:

CS/SB 1110 modifies the optional Medicaid coverage for durable medical equipment to include orthotics and prosthetics. The additional coverage applies to the following “eligible individuals”:

- A child younger than 18 years old;
- A dependent child;
- An individual 26 years of age or younger who remains covered under a parent’s health insurance policy; or
- An individual with a developmental disability.

The bill authorizes the Agency for Health Care Administration (AHCA) to provide Medicaid coverage payment for certain orthotics and prosthetics, all materials and components necessary to use them, instructions on their use, and any necessary repairs or replacements. AHCA is required to seek federal approval and amend contracts as necessary to implement the change made to Medicaid coverage in the bill.

Further, the bill mandates coverage of certain orthotics and prosthetics for insured eligible individuals if certain conditions are met for the following types of insurance coverage beginning on or after July 1, 2026:

- An individual accident and health insurance policy (“individual insurance policy”),
- A group, blanket, and franchise health insurance (“group insurance policy”), and
- A health maintenance organization (HMO) contract.

The bill provides that an insurer or HMO may require supporting documentation from an insured’s provider to confirm the need for a replacement that is less than 3 years old. An insurer or HMO may not deny a claim that is medically necessary to restore a physical function for an insured with a disability which would be covered by a nondisabled person. The bill requires

insurers and HMOs to submit an annual report to the Office of Insurance Regulation (OIR) with specified information.

See Section IV. For Fiscal Impact.

The bill is effective July 1, 2026.

II. Present Situation:

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.¹ As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.² The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.³ As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.⁴ The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.⁵

The Agency for Health Care Administration (AHCA) regulates the quality of care by health maintenance organizations (HMO) under part III of ch. 641, F.S. Before receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the AHCA.⁶ As part of the certificate process used by the agency, an HMO must provide information to demonstrate that the HMO can provide quality of care consistent with the prevailing standards of care.⁷

Florida's Medicaid Program⁸

Administration of the Program

The Agency for Health Care Administration (AHCA) is the single state agency responsible for the administration of the Florida Medicaid program, authorized under Title XIX of the Social Security Act (SSA). This authority includes establishing and maintaining a Medicaid state plan approved by the federal Centers for Medicare and Medicaid Services and maintaining any

¹ Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.

² Section 624.418, F.S.

³ Section 624.316(1)(a), F.S.

⁴ Section 624.318(2), F.S.

⁵ Section 624.3161, F.S.

⁶ Section 641.21(1), F.S.

⁷ Section 641.495, F.S.

⁸ Agency for Healthcare Administration, *2026 Agency Legislative Bill Analysis Agency for Healthcare Administration for SB 1110*, 8, Jan. 8, 2026 (on file with Senate Committee on Banking and Insurance) (hereinafter cited as "2026 AHCA Agency Analysis for SB 1110").

Medicaid waivers needed to operate the Florida Medicaid program as directed by the Florida Legislature.

A Medicaid state plan is an agreement between a state and the federal government describing how that state administers its Medicaid programs; it establishes groups of individuals covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements. State Medicaid programs may request a formal waiver of the requirements codified in the SSA. Federal waivers give states flexibility not afforded through their Medicaid state plan.

The structure of each state's Medicaid program varies and what states must pay for is largely determined by the federal government, as a condition of receiving federal funds. Federal law sets the amount, scope, and duration of services offered in the program, among other requirements. The federal government sets the minimum mandatory populations and minimum mandatory benefits to be covered in every state Medicaid program. States can add optional benefits, with federal approval. Florida has added many optional benefits including prescription drugs, ambulatory surgical center services, and dialysis. Florida does not cover all low-income Floridians.

Medicaid services can be delivered both fee-for-services (FFS) or through a managed care delivery model. In FFS, providers contract directly with the AHCA to provide services, and bill and get reimbursed directly by the AHCA. In a managed care delivery model, managed care plans contract with the AHCA and are paid a per member per month capitated payment for providing all of an enrollee's medical, dental, or home and community-based care, depending on the type of managed care plan.

In Florida, most Medicaid recipients receive their services through a managed care plan contracted with the AHCA under the Statewide Medicaid Managed Care (SMMC) program. The SMMC program has three components: Managed Medical Assistance (MMA), Long-Term Care (LTC), and Dental. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in ss. 409.973 and 409.98, F.S. The SMMC benefits are a robust health care package covering acute, preventive, behavioral health, prescribed drugs, LTC services and dental services.

Mandatory Medicaid Coverage

Section 409.905, F.S., relating to mandatory Medicaid services, provides that the AHCA may make payments for delineated services, which are required of the state. Medicaid providers provide services to recipients who are determined to be eligible on the dates the services were provided. Currently, the Florida Medicaid program covers several mandatory services, such as:

- Advanced practice registered nurse services.⁹
- Home health care services.¹⁰
- Covered hospital inpatient services.¹¹

⁹ Section 409.905(1), F.S.

¹⁰ Section 409.905(4), F.S.

¹¹ Section 409.905(5), F.S.

- Hospital outpatient services.¹²
- Independent Laboratory Services.¹³
- Early and periodic screening, diagnosis, and treatment services for children under 21, including durable medical equipment determined to be medically necessary for the treatment, correction, or amelioration the problem.¹⁴

Optional Services

Florida law authorizes AHCA to make payments for services which are optional to the state and are provided by Medicaid providers to recipients who are determined to be eligible on the dates the services were provided.¹⁵ Some of the optional services covered include:

- Adult dental care.¹⁶
- Chiropractic services.¹⁷
- Community mental health services.¹⁸
- Durable medical equipment.¹⁹

Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage²⁰

AHCA's Durable Medical Equipment and Medical Supply Services are available through both the SMMC program and FFS delivery system. Florida provides several durable medical equipment, such as:

- Custom and specialized equipment when a less costly alternative is not available to fulfill the recipient's need.
- Recipients under the age of 21 years residing in a skilled nursing facility may receive customized orthotic and prosthetic devices.
- Dynamic splinting.
- Orthopedic footwear.
- Orthotic and prosthetic devices which cover splints and passive motion devices, including sheepskin pads.
- Orthotic and prosthetic equipment.
- Maintenance and repair of orthotic and prosthetic durable medical equipment that meets certain criteria.
- Certain early, periodic, screening, diagnostic, and treatment services that are medically necessary.
- Certain physical therapy and occupational therapy services.

¹² Section 409.905(6), F.S.

¹³ Section 409.905(7), F.S.

¹⁴ Section 409.905(2), F.S.

¹⁵ Section 409.906, F.S.

¹⁶ Section 409.906(1), F.S.

¹⁷ Section 409.906(7), F.S.

¹⁸ Section 409.906(8), F.S.

¹⁹ Section 409.906(10), F.S. (providing the AHCA may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary).

²⁰ 2026 AHCA Agency Analysis for SB 1110 at 4-5.

Patient Protection and Affordable Care Act

Essential Benefits

Under the Patient Protection and Affordable Care Act (PPACA),²¹ all non-grandfathered health plans in the non-group and small-group private health insurance markets must offer a core package of health care services known as the essential health benefits (EHBs). While the PPACA does not specify the benefits within the EHB, it provides 10 categories of benefits and services that must be covered and it requires the Secretary of Health and Human Services to further define the EHB.²²

The 10 EHB categories are:

- Ambulatory patient services.
- Emergency services.
- Hospitalization.
- Maternity and newborn care
- Mental health and substance use disorder services, including behavioral health treatment.
- Prescription drugs.
- Rehabilitation and habilitation services and devices.
- Laboratory services.
- Preventive and wellness services and chronic disease management.
- Pediatric services, including oral and vision care.²³

The PPACA requires each state to select its own reference benchmark plan as its EHB benchmark plan that all other health plans in the state use as a model. Beginning in 2020, states could choose a new EHB plan using one of three options, including: selecting another's state benchmark plan; replacing one or more categories of EHB benefits; or selecting a set of benefits that would become the State's EHB benchmark plan.²⁴ Florida selected its EHB plan before 2012 and has not modified that selection.²⁵

Individual Insurance Policies

Florida law requires individual insurance policies to comply with several requirements, such as required provisions,²⁶ limits on preexisting conditions,²⁷ and claims processing.²⁸ There are several provisions that require minimum mandatory coverage for certain services, such as

²¹ Patient Protection and Affordable Care Act of 2010. Pub. L. No. 111-141, as amended.

²² 45 CFR 156.100. et seq.

²³ 45 CFR 156.110

²⁴ Centers for Medicare and Medicare Services, *Marketplace – Essential Health Benefits*, available at <https://www.cms.gov/marketplace/resources/data/essential-health-benefits> (last reviewed Jan. 31, 2026).

²⁵ Centers for Medicare and Medicaid Services, *Information on Essential Health Benefits (EHB) Benchmark Plans, Florida State Required Benefits*, available at <https://downloads.cms.gov/> (last viewed on Jan. 31, 2026).

²⁶ Section 627.605, F.S.

²⁷ Section 627.6046, F.S.

²⁸ See ss. 627.610 and 627.611, F.S.

mammograms,²⁹ diabetes treatment services,³⁰ and osteoporosis³¹ that meet certain criteria. Any health insurance policy that provides coverage for mastectomies must also provide coverage for prosthetic devices and breast reconstructive surgery incident to the mastectomy.³²

Group Insurance Policies

Group health insurance is health insurance covering groups of persons under a master group health insurance policy issued to specified groups, such as employee groups.³³ Group coverage does not apply to certain types of policies, such as auto medical payments and workers compensation.³⁴ Similar to individual insurance policies, there are several provisions that require minimum mandatory coverage for certain services, such as mammograms,³⁵ diabetes treatment services,³⁶ and osteoporosis³⁷ that meet certain criteria. Any health insurance policy that provides coverage for mastectomies must also provide coverage for prosthetic devices and breast reconstructive surgery incident to the mastectomy.³⁸

HMO Contracts

“Health maintenance contract” means any contract entered into by a health maintenance organization with a subscriber or group of subscribers to provide coverage for comprehensive health care services in exchange for a prepaid per capita or prepaid aggregated fixed sum.³⁹ An health maintenance organization⁴⁰ (HMO) that issues a health insurance contract must renew or continue in force such coverage at the option of the contract holder. There are provisions that require minimum mandatory coverage for certain services, such as mammograms⁴¹ and certain

²⁹ Section 627.6418, F.S.

³⁰ Section 627.6408, F.S.

³¹ Section 627.6409, F.S.

³² Section 627.6417(1), F.S. (providing the coverage for prosthetic devices and breast reconstructive surgery is subject to any deductible and coinsurance conditions and all other terms and conditions applicable to other benefits).

³³ Sections 627.652 627.653, F.S.

³⁴ Section 627.6513, F.S.

³⁵ Section 627.6613, F.S.

³⁶ Section 627.65745, F.S.

³⁷ Section 627.6691, F.S.

³⁸ Section 627.6612(1), F.S. (providing the coverage for prosthetic devices and breast reconstructive surgery is subject to any deductible and coinsurance conditions and all other terms and conditions applicable to other benefits).

³⁹ Section 641.19(11), F.S.

⁴⁰ Section 641.19(12), F.S., defines “health maintenance organization” as any organization authorized under part I under ch. 641, F.S., which: (a) Provides, through arrangements with other persons, emergency care, inpatient hospital services, physician care including care provided by physicians licensed under chs. 458, 459, 460, and 461, F.S., ambulatory diagnostic treatment, and preventive health care services; (b) Provides, either directly or through arrangements with other persons, health care services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis; (c) Provides, either directly or through arrangements with other persons, comprehensive health care services which subscribers are entitled to receive pursuant to a contract; (d) Provides physician services, by physician licensed under chs. 458, 459, 460, and 461, F.S., directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians; (e) If offering services through a managed care system, has a system in which a primary physician licensed under chs. 458, 459, 460, and 461, F.S., is designed for each subscriber upon request of a subscriber requesting service by a physician licensed under any of those chapters, and is responsible for coordinating the health care of the subscriber of the respectively requested service and for referring the subscriber to other providers of the same discipline when necessary.

⁴¹ Section 641.31095, F.S.

developmental disabilities.⁴² Similar to individual and group insurance policies, a health maintenance contract that provides coverage for mastectomies must also provide coverage for prosthetic devices and breast reconstructive surgery incident to the mastectomy.⁴³

Employee Health Care Access Act

The Employee Health Care Access Act is intended to promote health insurance availability for small employers⁴⁴ that employ an average of at least 1 but not more than 50 eligible employees on business days during the preceding calendar year.⁴⁵ To transact business in Florida, every small employer carrier must offer and issue all small employer health benefits plans on a guaranteed-issued basis to every eligible small employer that meets certain conditions.⁴⁶ The Financial Services Commission may establish rules to ensure that small employer carrier rates are reasonable and reflect objective differences in plan design.⁴⁷

State Employee Health Plan

For state employees who participate in the state employee benefit program, the Department of Management Services through the Division of State Group Insurance (DSGI) administers the state group health insurance program (Program).⁴⁸ The Program is a cafeteria plan managed consistent with section 125 of the Internal Revenue Service Code.⁴⁹ To administer the program, DSGI contracts with third party administrators for self-insured plans, a fully insured HMO, and a pharmacy benefits manager for the state employees' self-insured prescription drug program, pursuant to s.110.12315, F.S. For the 2025 Plan Year, which began January 1, 2026, the HMO plans under contract with DSGI are Aetna, Capital Health Plan, and United Healthcare, and the preferred provider organization (PPO) plan is Florida Blue.⁵⁰

Study of Mandated Health Benefits

Section 624.215, F.S., directs every person or organization seeking consideration of a legislative proposal which would mandate a health coverage or the offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, must submit to the Agency for Health Care Administration and the legislative committees having jurisdiction a report which assesses the social and financial impacts of the proposed coverage.

⁴² Section 641.31098, F.S.

⁴³ Section 641.31(32), F.S. (providing coverage for prosthetic devices and breast reconstructive surgery is subject to any deductible and coinsurance conditions).

⁴⁴ Section 627.6699(2), F.S.

⁴⁵ Section 627.6699(3)(v), F.S.

⁴⁶ Section 627.6699(5)(b), F.S.

⁴⁷ Section 627.6699(6)(a), F.S.

⁴⁸ Section 110.123, F.S.

⁴⁹ A section 125 cafeteria plan is a type of employer offered, flexible health insurance plan that provides employees a menu of pre-tax and taxable qualified benefits to choose from, but employees must be offered at least one taxable benefit such as cash, and one qualified benefit, such as a Health Savings Account.

⁵⁰ Department of Management Services, Division of State Group Insurance, *2024 Open Enrollment Brochure for Active State Employee Participants*, available at https://www.mybenefits.myflorida.com/beta_-_open_enrollment (last visited Jan. 31, 2026).

The requirement is designed to assist the Legislature in determining whether mandating a particular coverage or the offer of such coverage is in the public interest through a systematic evaluation of a proposed mandated benefit's beneficial social and health consequences which may be in the public interest in contrast with the potential increased cost of health insurance premiums.

The guidelines for assessing the impact of a proposed mandated or mandatorily offered health coverage, to the extent that information is available, shall include:

- To what extent is the treatment or service generally used by a significant portion of the population.
- To what extent is the insurance coverage generally available.
- If the insurance coverage is not generally available, to what extent does the lack of coverage result in persons avoiding necessary health care treatment.
- If the coverage is not generally available, to what extent does the lack of coverage result in unreasonable financial hardship.
- The level of public demand for the treatment or service.
- The level of public demand for insurance coverage of the treatment or service.
- The level of interest of collective bargaining agents in negotiating for the inclusion of this coverage in group contracts.
- To what extent will the coverage increase or decrease the cost of the treatment or service.
- To what extent will the coverage increase the appropriate uses of the treatment or service.
- To what extent will the mandated treatment or service be a substitute for a more expensive treatment or service.
- To what extent will the coverage increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders.
- The impact of this coverage on the total cost of health care.

III. Effect of Proposed Changes:

Section 1 of SB 1110 expands Medicaid coverage to allow the Agency for Health Care Administration (AHCA) to authorize and pay for the following orthotics and prosthetics services for eligible individuals:

- Orthoses⁵¹ and prostheses.⁵² Coverage must include payment for:
 - The model of an orthosis or a prosthesis which is deemed by the recipient's provider to be the most appropriate to meet the medical needs of the recipient to perform activities of daily living and essential job-related activities; and
 - When medically necessary, an orthosis or a prosthesis designed for physical or recreational activities that maximize the recipient's full body health and lower and upper limb function.
- All materials and components necessary to use the orthosis or prosthesis.
- Instruction on the use of the orthosis or prosthesis.
- Any necessary repairs or replacement of the orthosis or prosthesis.

The bill defines "eligible individual" as a Medicaid recipient who is:

- A child younger than 18 years of age;
- A dependent child as specified in s. 627.6562;
- An individual 26 years of age or younger who remains covered under a parent's health insurance policy pursuant to s. 627.6562, F.S.; or
- An individual with a developmental disability as defined in s. 393.063.

Section 2 requires AHCA to seek federal approval and amend contracts as necessary to implement the coverages provided in Section 1 of the bill.

Sections 3, 4, and 5 creates ss. 627.64085, 627.6614, and 641.31079, F.S., relating to an individual insurance policy; a group insurance policy; and a health maintenance organization contract, respectively, to revise the state's coverage mandates for orthotics and prosthetics for an eligible individual beginning on or after July 1, 2026. Insurers and HMOs must provide coverage for the following:

- An orthosis or a prosthesis that is medically necessary for the insured to perform activities of daily living, essential job-related activities, and physical recreational activities, such as running, biking, swimming, strength training, and other activities that maximize the insured's or subscriber's full body health and lower and upper limb function.
- Any replacement of the orthosis or prosthesis, or part thereof, without regard to continuous use or useful lifetime restrictions, if the insured's or subscriber's provider determines that it is medically necessary due to one of the following:

⁵¹ Section 468.80(6), F.S., defines "orthosis" as any medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; nontherapeutic arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter nontherapeutic shoes; prefabricated nontherapeutic foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. The term "accommodative" means designed with the primary goal of conforming to the individual's anatomy. The term "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe. The term "musculoskeletal" and "neuromuscular" mean the systems of the body providing support and movement and include the skeletal, muscular, circulatory, nervous, and integumentary systems.

⁵² Section 468.80(14), F.S., defines "prosthesis" as a medical device used to replace a missing appendage or other external body part, including an artificial limb, hand, or foot. It does not include surgically implanted devices or artificial eyes; dental appliances; ostomy products; or cosmetic devices such as breast prostheses, eyelashes, or wigs.

- A change in the physiological condition of the insured or subscriber.
- An irreparable change in the condition of the orthosis or prosthesis, or any part of the condition.
- A change in the condition of the orthosis or prosthesis, or any part of the condition, requires repairs that would cost more than 60 percent of the cost of a replacement orthosis or prosthesis or of the part requiring replacement.

Each section applies the mandated coverage to eligible individuals, who are defined in the same way as in Section 1 of the bill, except that reference is made to being an insured or subscriber rather than a Medicaid recipient.

An insurer or HMO may require supporting documentation from an insured's or subscriber's provider to confirm the need for a replacement for an orthosis or a prosthesis that is less than 3 years old.

An insurer or HMO may not deny a claim as a medically necessary intervention to restore physical function for an insured or subscriber with a disability which would otherwise be covered for a nondisabled person seeking medical or surgical intervention to restore or maintain the ability to perform the same type of physical function affected.

Each insurer and HMO is required to submit an annual report beginning July 1, 2027, to the OIR detailing the total number of claims submitted for orthotics and prosthetics services in the previous plan year and the total number of such claims that were paid, including the amount paid.

Sections 1, 3, 4, and 5 provide that the bill may not be construed to require coverage of orthotics or prosthetics services for an insured who is not an eligible individual.

Section 6 provides the bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

The fiscal impact on the private sector is indeterminate but, based on the additional coverage provided under the bill, a negative fiscal may impact the private sector if premiums are raised.

Insurers may incur indeterminate administrative costs for implementing provisions of the bill. Any increased costs which the insurers may incur due to the enhanced coverage requirement within the bill would likely be passed on to insureds.

C. Government Sector Impact:

The Division of State Group Insurance may incur an indeterminate negative fiscal impact to cover state employees for the additional coverage required in the bill.

The Agency for Healthcare Administration (AHCA) would need to amend its rules and managed care contracts to include the expanded coverage. The agency would need to determine whether additional treatment code would be required and, if so, then AHCA would need to update billing systems and set rates for the additional therapy treatment codes. These actions are part of AHCA's routine business practices and can be accomplished using existing resources.⁵³

The AHCA would also be required to submit a state plan amendment to seek federal approval for the expanded access to services. This is part of AHCA's routine business practice and can be accomplished using existing resources.⁵⁴

The AHCA reports that the bill will have a fiscal impact on the Medicaid program since it expands access to all orthotic and prosthetic devices for recipients of all ages and therapy treatment to adults that are currently ineligible for such devices. If additional therapy treatment codes are required for implementation, the addition of codes to the therapy fee schedule also will result in a fiscal impact.⁵⁵

The AHCA reports in SFY 2024-25 there was \$31,171,568 (\$9,339,765 related to children and \$21,835,680 related to adults) spent on services related to orthotic and

⁵³ 2026 AHCA Agency Analysis for SB 1110 at 7-8.

⁵⁴ *Id.* at 8.

⁵⁵ *Id.*

prosthetic services related to the population below. It is estimated that a 1% increase in services cost would be \$311,716.⁵⁶

Estimated Impact for Children⁵⁷		
% Increase to Service Cost	Total Cost for Increase in Children	Impact to General Revenue
Estimated Increase of 1% to Service Cost	\$93,397.65	\$41,209.38
Estimated Increase of 5% to Service Cost	\$466,988.25	206,046.89
Estimated Increase of 10% to Service Cost	\$933,976.51	\$412,093.78
Estimated Increase of 25% to Service Cost	\$2,334,941.26	\$1,030,234.46

Estimated Impact for Adults⁵⁸		
% Increase to Service Cost	Total Cost for Increase in Adults	Impact to General Revenue
Estimated Increase of 1% to Service Cost	\$218,356.80	\$96,344.48
Estimated Increase of 5% to Service Cost	\$1,091,784.01	\$481,722.40
Estimated Increase of 10% to Service Cost	\$2,183,568.03	\$963,444.80
Estimated Increase of 25% to Service Cost	\$5,458,920.07	\$2,408,612.01

The current unduplicated population potentially impacted by the proposal, based on diagnosis codes reported on claim submission, is 238,762 individuals, including 173,728 adults and 65,034 children.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Health coverage plan years generally correspond to the calendar year, thus revising the bill’s effective date to January 1, 2027, would coincide with the beginning of a new plan year for most insureds and subscribers.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 409.906
 This bill creates the following sections of the Florida Statutes: 627.64085, 627.6614, and 641.31079

⁵⁶ *Id.* at 10.

⁵⁷ *Id.*

⁵⁸ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on February 11, 2026:

The committee substitute specifies that the orthotics and prosthetics coverage provided in the bill applies only to eligible individuals. Each section that provides for orthotics and prosthetics coverage defines the term “eligible individual” and provides statutory construction to clarify that coverage is not required for an insured who is not an eligible individual.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2026	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (10) of section 409.906, Florida
Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific
appropriations, the agency may make payments for services which
are optional to the state under Title XIX of the Social Security
Act and are furnished by Medicaid providers to recipients who



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11 are determined to be eligible on the dates on which the services
12 were provided. Any optional service that is provided shall be
13 provided only when medically necessary and in accordance with
14 state and federal law. Optional services rendered by providers
15 in mobile units to Medicaid recipients may be restricted or
16 prohibited by the agency. Nothing in this section shall be
17 construed to prevent or limit the agency from adjusting fees,
18 reimbursement rates, lengths of stay, number of visits, or
19 number of services, or making any other adjustments necessary to
20 comply with the availability of moneys and any limitations or
21 directions provided for in the General Appropriations Act or
22 chapter 216. If necessary to safeguard the state's systems of
23 providing services to elderly and disabled persons and subject
24 to the notice and review provisions of s. 216.177, the Governor
25 may direct the Agency for Health Care Administration to amend
26 the Medicaid state plan to delete the optional Medicaid service
27 known as "Intermediate Care Facilities for the Developmentally
28 Disabled." Optional services may include:

29 (10) DURABLE MEDICAL EQUIPMENT.—

30 (a) The agency may authorize and pay for certain durable
31 medical equipment and supplies provided to a Medicaid recipient
32 as medically necessary.

33 (b)1. As used in this paragraph, the term "eligible
34 individual" means a Medicaid recipient who is:

35 a. A child younger than 18 years of age;

36 b. A dependent child as specified in s. 627.6562;

37 c. An individual 26 years of age or younger who remains
38 covered under a parent's health insurance policy pursuant to s.
39 627.6562; or



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40 d. An individual with a developmental disability as defined
41 in s. 393.063.

42 2. The agency may authorize and pay for all of the
43 following orthotics and prosthetics services for eligible
44 individuals:

45 a. Orthoses and prostheses as those terms are defined in s.
46 468.80. Coverage must include payment for:

47 (I) The model of an orthosis or a prosthesis which is
48 deemed by the eligible individual's provider to be the most
49 appropriate to meet the medical needs of the eligible individual
50 to perform activities of daily living and essential job-related
51 activities; and

52 (II) When medically necessary, an orthosis or a prosthesis
53 designed for physical or recreational activities that maximize
54 the eligible individual's full body health and lower and upper
55 limb function.

56 b. All materials and components necessary to use the
57 orthosis or prosthesis.

58 c. Instruction on the use of the orthosis or prosthesis.

59 d. Any necessary repairs or replacement of the orthosis or
60 prosthesis.

61 3. This paragraph may not be construed to require Medicaid
62 coverage of orthotics and prosthetics services specified herein
63 for a Medicaid recipient who is not an eligible individual.

64 Section 2. The Agency for Health Care Administration shall
65 seek federal approval and amend contracts as necessary to
66 implement the changes made to s. 409.906, Florida Statutes, by
67 this act.

68 Section 3. Section 627.64085, Florida Statutes, is created



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69 to read:

70 627.64085 Orthotics and prosthetics services.—

71 (1) As used in this section, the term "eligible individual"
72 means an insured who is:

73 a. A child younger than 18 years of age;

74 b. A dependent child as defined in s. 627.6562;

75 c. An individual 26 years of age or younger who remains
76 covered under a parent's health insurance policy pursuant to s.
77 627.6562; or

78 d. An individual with a developmental disability as defined
79 in s. 393.063.

80 (2) A health insurance policy issued, amended, delivered,
81 or renewed in this state on or after July 1, 2026, must provide
82 coverage of all of the following for eligible individuals:

83 (a) Orthoses and prostheses as those terms are defined in
84 s. 468.80 if the eligible individual's provider determines that
85 an orthosis or a prosthesis is medically necessary for the
86 eligible individual to perform activities of daily living,
87 essential job-related activities, and physical recreational
88 activities, such as running, biking, swimming, strength
89 training, and other activities that maximize the eligible
90 individual's full body health and lower and upper limb function.

91 (b) Any replacement of the orthosis or prosthesis, or part
92 thereof, without regard to continuous use or useful lifetime
93 restrictions, if the eligible individual's provider determines
94 that it is medically necessary due to any of the following:

95 1. A change in the physiological condition of the eligible
96 individual.

97 2. An irreparable change in the condition of the orthosis



98 or prosthesis, or part thereof.

99 3. A change in the condition of the orthosis or prosthesis,
100 or part thereof, requires repairs that would cost more than 60
101 percent of the cost of a replacement orthosis or prosthesis or
102 of the part thereof requiring replacement.

103
104 A health insurer may require supporting documentation from an
105 eligible individual's provider to confirm the need for a
106 replacement for an orthosis or a prosthesis that is less than 3
107 years old.

108 (3) A health insurer may not deny a claim for an orthosis
109 or a prosthesis as a medically necessary intervention to restore
110 physical function for an eligible individual with a disability
111 which would otherwise be covered for a nondisabled person
112 seeking medical or surgical intervention to restore or maintain
113 the ability to perform the same type of physical function
114 affected.

115 (4) Beginning July 1, 2027, and annually thereafter, each
116 health insurer subject to this section shall submit a report to
117 the Office of Insurance Regulation detailing the total number of
118 claims submitted for orthotics and prosthetics services in the
119 previous plan year and the total number of such claims that were
120 paid, including the amount paid.

121 (5) This section may not be construed to require coverage
122 of orthotics or prosthetics services for an insured who is not
123 an eligible individual.

124 Section 4. Section 627.6614, Florida Statutes, is created
125 to read:

126 627.6614 Orthotics and prosthetics services.-



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127 (1) As used in this section, the term "eligible individual"
128 means an insured who is:

129 a. A child younger than 18 years of age;

130 b. A dependent child as defined in s. 627.6562;

131 c. An individual 26 years of age or younger who remains
132 covered under a parent's health insurance policy pursuant to s.
133 627.6562; or

134 d. An individual with a developmental disability as defined
135 in s. 393.063.

136 (2) A group, blanket, or franchise health insurance policy
137 issued, amended, delivered, or renewed in this state on or after
138 July 1, 2026, must provide coverage of all of the following for
139 eligible individuals:

140 (a) Orthoses and prostheses as those terms are defined in
141 s. 468.80 if the eligible individual's provider determines that
142 an orthosis or a prosthesis is medically necessary for the
143 eligible individual to perform activities of daily living,
144 essential job-related activities, and physical recreational
145 activities, such as running, biking, swimming, strength
146 training, and other activities that maximize the eligible
147 individual's full body health and lower and upper limb function.

148 (b) Any replacement of the orthosis or prosthesis, or part
149 thereof, without regard to continuous use or useful lifetime
150 restrictions, if the eligible individual's provider determines
151 that it is medically necessary due to any of the following:

152 1. A change in the physiological condition of the eligible
153 individual.

154 2. An irreparable change in the condition of the orthosis
155 or prosthesis, or part thereof.



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156 3. A change in the condition of the orthosis or prosthesis,
157 or part thereof, requires repairs that would cost more than 60
158 percent of the cost of a replacement orthosis or prosthesis or
159 of the part thereof requiring replacement.

160
161 A health insurer may require supporting documentation from an
162 eligible individual's provider to confirm the need for a
163 replacement for an orthosis or a prosthesis that is less than 3
164 years old.

165 (3) A health insurer may not deny a claim for an orthosis
166 or a prosthesis as a medically necessary intervention to restore
167 physical function for an eligible individual with a disability
168 which would otherwise be covered for a nondisabled person
169 seeking medical or surgical intervention to restore or maintain
170 the ability to perform the same type of physical function
171 affected.

172 (4) Beginning July 1, 2027, and annually thereafter, each
173 health insurer subject to this section shall submit a report to
174 the Office of Insurance Regulation detailing the total number of
175 claims submitted for orthotics and prosthetics services in the
176 previous plan year and the total number of such claims that were
177 paid, including the amount paid.

178 (5) This section may not be construed to require coverage
179 of orthotics or prosthetics services for an insured who is not
180 an eligible individual.

181 Section 5. Section 641.31079, Florida Statutes, is created
182 to read:

183 641.31079 Orthotics and prosthetics services.—

184 (1) As used in this section, the term "eligible individual"



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185 means a subscriber who is:
186 a. A child younger than 18 years of age;
187 b. A dependent child as defined in s. 627.6562;
188 c. An individual 26 years of age or younger who remains
189 covered under a parent's health insurance policy pursuant to s.
190 627.6562; or
191 d. An individual with a developmental disability as defined
192 in s. 393.063.
193 (2) A health maintenance contract issued, amended,
194 delivered, or renewed in this state on or after July 1, 2026,
195 must provide coverage of all of the following for eligible
196 individuals:
197 (a) Orthoses and prostheses as those terms are defined in
198 s. 468.80 if the eligible individual's provider determines that
199 an orthosis or a prosthesis is medically necessary for the
200 eligible individual to perform activities of daily living,
201 essential job-related activities, and physical recreational
202 activities, such as running, biking, swimming, strength
203 training, and other activities that maximize the eligible
204 individual's full body health and lower and upper limb function.
205 (b) Any replacement of the orthosis or prosthesis, or part
206 thereof, without regard to continuous use or useful lifetime
207 restrictions, if the subscriber's provider determines that it is
208 medically necessary due to any of the following:
209 1. A change in the physiological condition of the eligible
210 individual.
211 2. An irreparable change in the condition of the orthosis
212 or prosthesis, or part thereof.
213 3. A change in the condition of the orthosis or prosthesis,



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214 or part thereof, requires repairs that would cost more than 60
215 percent of the cost of a replacement orthosis or prosthesis or
216 of the part thereof requiring replacement.

217
218 A health maintenance organization may require supporting
219 documentation from an eligible individual's provider to confirm
220 the need for a replacement for an orthosis or a prosthesis that
221 is less than 3 years old.

222 (3) A health maintenance organization may not deny a claim
223 for an orthosis or a prosthesis as a medically necessary
224 intervention to restore physical function for an eligible
225 individual with a disability which would otherwise be covered
226 for a nondisabled person seeking medical or surgical
227 intervention to restore or maintain the ability to perform the
228 same type of physical function affected.

229 (4) Beginning July 1, 2027, and annually thereafter, each
230 health maintenance organization subject to this section shall
231 submit a report to the Office of Insurance Regulation detailing
232 the total number of claims submitted for orthotics and
233 prosthetics services in the previous plan year and the total
234 number of such claims that were paid, including the amount paid.

235 (5) This section may not be construed to require coverage
236 of orthotics or prosthetics services for a subscriber who is not
237 an eligible individual.

238 Section 6. This act shall take effect July 1, 2026.

239
240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 Delete everything before the enacting clause



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243 and insert:

244 A bill to be entitled
245 An act relating to coverage for orthotics and
246 prosthetics services; amending s. 409.906, F.S.;
247 defining the term "eligible individual"; authorizing
248 the Agency for Health Care Administration to authorize
249 and pay for specified orthotics and prosthetics
250 services for Medicaid recipients who are eligible
251 individuals; providing construction; requiring the
252 agency to seek federal approval and amend contracts as
253 necessary to implement the act; creating ss.
254 627.64085, 627.6614, and 641.31079, F.S.; defining the
255 term "eligible individual"; requiring individual
256 health insurance policies; group, blanket, and
257 franchise health insurance policies; and health
258 maintenance contracts, respectively, to provide
259 coverage for specified orthotics and prosthetics
260 services for eligible individuals; authorizing health
261 insurers and health maintenance organizations to
262 require certain supporting documentation; prohibiting
263 health insurers and health maintenance organizations
264 from denying claims under certain circumstances;
265 requiring health insurers and health maintenance
266 organizations to submit annual reports of specified
267 information to the Office of Insurance Regulation;
268 providing construction; providing an effective date.

By Senator Truenow

13-00237A-26

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A bill to be entitled

An act relating to coverage for orthotics and prosthetics services; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to authorize and pay for specified orthotics and prosthetics services for Medicaid recipients; requiring the agency to seek federal approval and amend contracts as necessary to implement the act; creating ss. 627.64085, 627.6614, and 641.31079, F.S.; requiring individual health insurance policies; group, blanket, and franchise health insurance policies; and health maintenance contracts, respectively, to provide coverage for specified orthotics and prosthetics services; prohibiting health insurers and health maintenance organizations from denying claims under certain circumstances; requiring health insurers and health maintenance organizations to submit annual reports of specified information to the Office of Insurance Regulation; providing an effective date.

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

Section 1. Subsection (10) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services

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were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(10) DURABLE MEDICAL EQUIPMENT.—

(a) The agency may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary.

(b) The agency may authorize and pay for all of the following orthotics and prosthetics services:

1. Orthoses and prostheses as those terms are defined in s. 468.80. Coverage must include payment for:

a. The model of an orthosis or a prosthesis which is deemed by the recipient's provider to be the most appropriate to meet the medical needs of the recipient to perform activities of daily living and essential job-related activities; and

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59 b. When medically necessary, an orthosis or a prosthesis
 60 designed for physical or recreational activities that maximize
 61 the recipient's full body health and lower and upper limb
 62 function.
 63 2. All materials and components necessary to use the
 64 orthosis or prosthesis.
 65 3. Instruction on the use of the orthosis or prosthesis.
 66 4. Any necessary repairs or replacement of the orthosis or
 67 prosthesis.
 68 Section 2. The Agency for Health Care Administration shall
 69 seek federal approval and amend contracts as necessary to
 70 implement the changes made to s. 409.906, Florida Statutes, by
 71 this act.
 72 Section 3. Section 627.64085, Florida Statutes, is created
 73 to read:
 74 627.64085 Orthotics and prosthetics services.—
 75 (1) A health insurance policy issued, amended, delivered,
 76 or renewed in this state on or after July 1, 2026, must provide
 77 coverage for all of the following:
 78 (a) Orthoses and prostheses as those terms are defined in
 79 s. 468.80 if the insured's provider determines that an orthosis
 80 or a prosthesis is medically necessary for the insured to
 81 perform activities of daily living, essential job-related
 82 activities, and physical recreational activities, such as
 83 running, biking, swimming, strength training, and other
 84 activities that maximize the insured's full body health and
 85 lower and upper limb function.
 86 (b) Any replacement of the orthosis or prosthesis, or part
 87 thereof, without regard to continuous use or useful lifetime

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88 restrictions, if the insured's provider determines that it is
 89 medically necessary due to any of the following:
 90 1. A change in the physiological condition of the insured.
 91 2. An irreparable change in the condition of the orthosis
 92 or prosthesis, or part thereof.
 93 3. A change in the condition of the orthosis or prosthesis,
 94 or part thereof, requires repairs that would cost more than 60
 95 percent of the cost of a replacement orthosis or prosthesis or
 96 of the part thereof requiring replacement.
 97
 98 A health insurer may require supporting documentation from an
 99 insured's provider to confirm the need for a replacement for an
 100 orthosis or a prosthesis that is less than 3 years old.
 101 (2) A health insurer may not deny a claim for an orthosis
 102 or a prosthesis as a medically necessary intervention to restore
 103 physical function for an insured with a disability which would
 104 otherwise be covered for a nondisabled person seeking medical or
 105 surgical intervention to restore or maintain the ability to
 106 perform the same type of physical function affected.
 107 (3) Beginning July 1, 2027, and annually thereafter, each
 108 health insurer subject to this section shall submit a report to
 109 the office detailing the total number of claims submitted for
 110 orthotics and prosthetics services in the previous plan year and
 111 the total number of such claims that were paid, including the
 112 amount paid.
 113 Section 4. Section 627.6614, Florida Statutes, is created
 114 to read:
 115 627.6614 Orthotics and prosthetics services.—
 116 (1) A group, blanket, or franchise health insurance policy

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117 issued, amended, delivered, or renewed in this state on or after
 118 July 1, 2026, must provide coverage for all of the following:
 119 (a) Orthoses and prostheses as those terms are defined in
 120 s. 468.80 if the insured's provider determines that an orthosis
 121 or a prosthesis is medically necessary for the insured to
 122 perform activities of daily living, essential job-related
 123 activities, and physical recreational activities, such as
 124 running, biking, swimming, strength training, and other
 125 activities that maximize the insured's full body health and
 126 lower and upper limb function.
 127 (b) Any replacement of the orthosis or prosthesis, or part
 128 thereof, without regard to continuous use or useful lifetime
 129 restrictions, if the insured's provider determines that it is
 130 medically necessary due to any of the following:
 131 1. A change in the physiological condition of the insured.
 132 2. An irreparable change in the condition of the orthosis
 133 or prosthesis, or part thereof.
 134 3. A change in the condition of the orthosis or prosthesis,
 135 or part thereof, requires repairs that would cost more than 60
 136 percent of the cost of a replacement orthosis or prosthesis or
 137 of the part thereof requiring replacement.
 138
 139 A health insurer may require supporting documentation from an
 140 insured's provider to confirm the need for a replacement for an
 141 orthosis or a prosthesis that is less than 3 years old.
 142 (2) A health insurer may not deny a claim for an orthosis
 143 or a prosthesis as a medically necessary intervention to restore
 144 physical function for an insured with a disability which would
 145 otherwise be covered for a nondisabled person seeking medical or

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146 surgical intervention to restore or maintain the ability to
 147 perform the same type of physical function affected.
 148 (3) Beginning July 1, 2027, and annually thereafter, each
 149 health insurer subject to this section shall submit a report to
 150 the office detailing the total number of claims submitted for
 151 orthotics and prosthetics services in the previous plan year and
 152 the total number of such claims that were paid, including the
 153 amount paid.
 154 Section 5. Section 641.31079, Florida Statutes, is created
 155 to read:
 156 641.31079 Orthotics and prosthetics services.-
 157 (1) A health maintenance contract issued, amended,
 158 delivered, or renewed in this state on or after July 1, 2026,
 159 must provide coverage for all of the following:
 160 (a) Orthoses and prostheses as those terms are defined in
 161 s. 468.80 if the subscriber's provider determines that an
 162 orthosis or a prosthesis is medically necessary for the
 163 subscriber to perform activities of daily living, essential job-
 164 related activities, and physical recreational activities, such
 165 as running, biking, swimming, strength training, and other
 166 activities that maximize the subscriber's full body health and
 167 lower and upper limb function.
 168 (b) Any replacement of the orthosis or prosthesis, or part
 169 thereof, without regard to continuous use or useful lifetime
 170 restrictions, if the subscriber's provider determines that it is
 171 medically necessary due to any of the following:
 172 1. A change in the physiological condition of the
 173 subscriber.
 174 2. An irreparable change in the condition of the orthosis

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175 or prosthesis, or part thereof.

176 3. A change in the condition of the orthosis or prosthesis,
177 or part thereof, requires repairs that would cost more than 60
178 percent of the cost of a replacement orthosis or prosthesis or
179 of the part thereof requiring replacement.

180
181 A health maintenance organization may require supporting
182 documentation from a subscriber's provider to confirm the need
183 for a replacement for an orthosis or a prosthesis that is less
184 than 3 years old.

185 (2) A health maintenance organization may not deny a claim
186 for an orthosis or a prosthesis as a medically necessary
187 intervention to restore physical function for a subscriber with
188 a disability which would otherwise be covered for a nondisabled
189 person seeking medical or surgical intervention to restore or
190 maintain the ability to perform the same type of physical
191 function affected.

192 (3) Beginning July 1, 2027, and annually thereafter, each
193 health maintenance organization subject to this section shall
194 submit a report to the office detailing the total number of
195 claims submitted for orthotics and prosthetics services in the
196 previous plan year and the total number of such claims that were
197 paid, including the amount paid.

198 Section 6. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Military and Veterans Affairs, Space, and Domestic
Security, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 15, 2026

The Honorable Senator Joe Gruters
413 Senate Office Building
Tallahassee, FL 32399

Dear Chairman, Gruters,

I would like to request SB 1110 Coverage for Orthotics and Prosthetics Services be placed on your next available Banking and Insurance committee agenda.

This bill expands health coverage requirements by mandating that Medicaid and private health insurance plans provide coverage for specified orthotic and prosthetic services. Coverage includes medically necessary devices, fittings, instruction, repairs, and replacements, aiming to improve access to mobility and support devices for Floridians.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: James Knudson, Staff Director
Amaura Canty, Administrative Assistant

REPLY TO:

- Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- 16207 State Road 50, Suite 401, Clermont, Florida 34711
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



2026 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Agency for Health Care Administration

BILL INFORMATION

BILL NUMBER:	SB 1110
BILL TITLE:	Coverage for Orthotics and Prosthetics Services
BILL SPONSOR:	Senator Truenow
EFFECTIVE DATE:	7/1/2026

COMMITTEES OF REFERENCE

1) Banking and Insurance Committee
2) Appropriations Committee on Health and Human Services
3) Appropriations Committee
4)
5)

CURRENT COMMITTEE

Banking and Insurance Committee

SIMILAR BILLS

BILL NUMBER:	SB 1110
SPONSOR:	Representative F. Robinson

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

Y ___ N X

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	1/8/2025
LEAD AGENCY ANALYST:	Kelsey Krueger
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill (SB) 1110 amends section (s.) 409.906(10), F.S. to authorize the Agency for Health Care Administration (Agency) to provide increased access to specified orthotic and prosthetic devices and related services. The proposed bill requires the Agency to cover orthoses and prostheses devices, as defined in s. 468.80, F.S., including models needed for activities of daily living, essential job-related, and physical/recreational activities. Medicaid coverage must also include all materials and components for proper use of the device, instruction for proper use, and necessary repairs or replacements of covered devices for Medicaid recipients of all ages.

The bill requires insurers licensed under Chapter 627, F.S., and Health Maintenance Organizations (HMOs) licensed under Chapter 641, F.S., to provide consistent coverage outlined for Medicaid. Additionally, the proposed bill prohibits insurers licensed under Chapter 627 and 641, F.S. from denying for an orthosis or prosthesis when it is medically necessary to restore physical function for a person with a disability, if similar coverage would be provided to a nondisabled person for medical or surgical intervention to restore or maintain the same type of physical function. The proposed bill requires an annual report submission detailing claims information by insurers licensed under Chapters 627 and 641, F.S.

Current coverage for Orthotic and Prosthetic supplies is outlined in Rule 59G-4.073, Florida Administrative Code (F.A.C.), Durable Medical Equipment (DME) and Medical Supply Services Coverage Policy: Orthotic and Prosthetic¹ and in accordance with the DME and Medical Supply Services Fee Schedule incorporated by reference in Rule 59G-4.002, F.A.C.² The 2026 DME and Medical Supply Services Fee Schedule currently contains 699 codes designated for orthotic and prosthetic devices; 683 of which are available for recipients of all ages. Limits for supplies vary based on medical necessity and best practice, however, utilization limits may be exceeded with prior authorization.

As the DME Fee Schedule does not include an exhaustive list of all eligible codes for orthotics and prosthetics, implementing SB 1110 would have fiscal and operational impacts for the Agency.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Agency for Health Care Administration

The Agency is the single state agency responsible for the administration of the Florida Medicaid program, authorized under Title XIX of the Social Security Act (SSA). This authority includes establishing and maintaining a Medicaid state plan approved by the Centers for Medicare & Medicaid Services (CMS) and maintaining any Medicaid waivers needed to operate the Florida Medicaid program as directed by the Florida Legislature.

The Florida Medicaid Program

A Medicaid state plan is an agreement between a state and the federal government describing how that state administers its Medicaid programs; it establishes groups of individuals covered under the Medicaid program, services that are provided, payment methodologies, and other administrative and organizational requirements. State Medicaid programs may request a formal waiver of the requirements codified in the SSA. Federal waivers give states flexibility not afforded through their Medicaid state plan.

The structure of each state's Medicaid program varies and what states must pay for is largely determined by the federal government, as a condition of receiving federal funds. Federal law sets the amount, scope, and duration of services offered in the program, among other requirements. These federal requirements create an entitlement that comes with constitutional due process protections. The entitlement means that two parts of the Medicaid cost equation – people and utilization – are largely predetermined for the states. The federal government sets the minimum mandatory populations to be included in every state Medicaid program. The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program. States can add optional benefits, with federal approval. Florida has added many optional benefits,

¹ [Durable Medical Equipment and Medical Supply Services Coverage Policy: Orthotic and Prosthetic](#)

² [Durable Medical Equipment \(DME\) and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients](#)

including prescription drugs, ambulatory surgical center services, and dialysis. Florida Medicaid does not cover all low-income Floridians.

Mandatory Services

S. 409.905, F.S.³ allows the Agency to make payments for mandatory services which are required of the state by Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Examples of mandatory services include:

- Physician and Advanced Practice Registered Nurse services
- Home health
- Hospital and nursing facility care
- Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) for children under 21, including speech therapy

Optional Services

S. 409.906, F.S.⁴ allows the Agency to make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Examples of optional services include:

- Adult dental care
- Community mental health
- Durable medical equipment (DME)
- Podiatric services

Florida Medicaid Delivery Systems

In Florida, Medicaid services can be delivered both fee-for-service (FFS) or through a managed care delivery model. In FFS, providers contract directly with the Agency to provide services, and bill and get reimbursed directly by the Agency. In a managed care delivery model, managed care plans contract with the Agency and are paid a per member per month (PMPM) capitated payment for providing all of an enrollee's medical, dental, or home and community-based care, depending on the type of managed care plan. Providers contract with managed care plans and bill the plans for services rendered to enrollees. The Agency maintains FFS fee schedules that include the rates the Agency will pay FFS providers for services. However, in managed care, for most services, managed care plans negotiate mutually agreed upon rates with their contracted providers.

Most Florida Medicaid recipients receive their services through a managed care plan contracted with the Agency under the SMMC program. The SMMC program has three components: Managed Medical Assistance (MMA), LTC, and Dental. Florida's SMMC program benefits are authorized through federal waivers and are specifically required by the Florida Legislature in s. 409.973 and 409.98, F.S. The SMMC benefits are a robust health care package covering acute, preventive, behavioral health, prescribed drugs, LTC services, and dental services.

In the SMMC program the capitation rates reflect historical utilization and spending for covered services projected forward and are established and certified by the Agency's actuarial services vendor. The PMPM capitation rate is paid to the plan each month regardless of the actual expenditures or level of claims of an individual enrollee.

Florida Medicaid managed care plans must comply with the service coverage requirements outlined as indicated in each service-specific coverage policy, unless otherwise specified in the AHCA contract with the Florida Medicaid managed care plan. The provision of services to recipients enrolled in a Florida Medicaid managed care plan must not be subject to more stringent service coverage limits than specified in Florida Medicaid policies.

s. 468.80, F.S. - Definitions

Florida law provides the following definition for orthosis.

³ [s. 409.905, F.S. Mandatory Medicaid services](#)

⁴ [s. 409.906, F.S. Optional Medicaid services](#)

“Orthosis” means any medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; nontherapeutic arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter nontherapeutic shoes; prefabricated nontherapeutic foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, “accommodative” means designed with the primary goal of conforming to the individual’s anatomy, “inlay” means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe, and “musculoskeletal” and “neuromuscular” mean the systems of the body providing support and movement and include the skeletal, muscular, circulatory, nervous, and integumentary systems any medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; nontherapeutic arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter nontherapeutic shoes; prefabricated nontherapeutic foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, “accommodative” means designed with the primary goal of conforming to the individual’s anatomy, “inlay” means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe, and “musculoskeletal” and “neuromuscular” mean the systems of the body providing support and movement and include the skeletal, muscular, circulatory, nervous, and integumentary systems.

Florida law provides the following definition of prosthesis:

“Prosthesis” means a medical device used to replace a missing appendage or other external body part, including an artificial limb, hand, or foot. It does not include surgically implanted devices or artificial eyes; dental appliances; ostomy products; or cosmetic devices such as breast prostheses, eyelashes, or wigs.

Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage Policy and Fee Schedule

The Agency’s Durable Medical Equipment (DME) and Medical Supply Services are available through both the SMMC program and FFS delivery system.

Specifically, Florida Medicaid covers orthotic and prosthetic durable medical equipment services in accordance with the American Medical Association’s Current Procedural Terminology (CPT) and Healthcare Common Procedure Coding System (HCPCS), and the applicable Florida Medicaid fee schedule(s), or as specified in policy. While the fee schedule currently includes 699 codes designated for orthotics and prosthetics, should a medically necessary device exist that is not specifically outlined, a provider may seek prior authorization for the device under the code designated for “Durable Medical Equipment, Miscellaneous.” This code is manually priced meaning that the reimbursement rate must be negotiated between the provider and the Agency or the health plan.

Additional details related coverage includes the following:

Florida Medicaid covers custom and specialized equipment when a less costly alternative is not available to fulfill the recipient’s need.

Recipients under the age of 21 years residing in a skilled nursing facility may receive customized orthotic and prosthetic devices through this benefit. Florida Medicaid-covered DME must include a manufacturer’s or one-year warranty, whichever is greater.

Florida Medicaid providers are responsible for all needed adjustments, modifications, and replacements for the first six months after the date of delivery.

Additional specific coverage information includes:

Dynamic Splinting

Devices Must include all of the following components:

- Center bar
- Hinged and rotational joints
- Shoes and shoe assembly

Orthopedic Footwear

Florida Medicaid covers foot orthotics for congenital forefoot deformities in recipients under the age of 18 months, unless the orthotics are determined medically necessary for an older recipient who is not yet walking. Includes the following:

- Heels
- Miscellaneous
- Orthopedic shoes
- Shoe modifications
- Wedges

Florida Medicaid covers prefabricated and custom orthopedic footwear when the recipient meets one of the following criteria:

- Congenital or rigid foot deformities
- One foot is not full size
- Totally or partially missing foot
- Shoe is required in conjunction with an orthotic system
- The recipient's foot or feet have severe structural deformities (e.g., rheumatoid arthritis, diabetic osteopathy or arthropathy, or following trauma)
- There are persistent skin breakdowns or ulcerations caused by such conditions as diabetic neuropathies or degenerative disorders when a total contact system on the sole is expected to promote healing and avoid hospital care and surgical interventions

Orthopedic footwear must have at least one of the following components:

- Bunion last
- Goodyear welt construction
- High toe box
- Long medial counters
- Steel shanks
- Strap or lace closures
- Thomas heel

Orthotic and Prosthetic Devices

Florida Medicaid covers splints and passive motion devices, which includes sheepskin pads.

Orthotic and Prosthetic Equipment

Includes the following:

- Breast prostheses
- Diabetic shoes and modifications
- Prosthetic eyes (including measuring and fitting)
 - o Florida Medicaid covers prosthetic eyes when replaced as a result of no longer fitting or damage.

Maintenance and Repair

Florida Medicaid covers maintenance and repairs of orthotic and prosthetic durable medical equipment that meets all of the following:

- Equipment damage is not due to misuse, neglect or wrongful disposition by the recipient, caregiver, or provider

- Equipment warranty is expired or does not cover the necessary maintenance or repairs
- Florida Medicaid provided the equipment Florida Medicaid covers repairs for artificial larynxes

Early, Periodic, Screening, Diagnostic, and Treatment Services (EPSDT)

While coverage limits are specified in the fee schedule, should a medically necessary service be required that is not included on the fee schedule, a provider may submit a request to exceed coverage under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) provision. EPSDT is required by federal law and is outlined in section 4.3 of the SLP Services Coverage Policy:

“Florida Medicaid provides services to eligible recipients under the age of 21 years, if such services are medically necessary to correct or ameliorate a defect, a condition, or a physical or mental illness. Included are diagnostic services, treatment, equipment, supplies, and other measures described in section 1905(a) of the SSA, codified in Title 42 of the United States Code 1396d(a). As such, services for recipients under the age of 21 years exceeding the coverage described within this policy or the associated fee schedule may be approved, if medically necessary.”

Key considerations for EPSDT:

- No co-payments or coverage limits
- No waitlists
- Unlimited medically necessary visits to Medicaid provider
- Prior authorization may apply

Florida Medicaid Physical Therapy and Occupational Therapy Services Coverage Policies and Fee Schedules

The Agency’s Physical Therapy (PT) Services and Occupational Therapy (OT) Services Coverage Policies and fee schedules outline current therapy coverage for Medicaid recipients. Current therapy benefits are available through both the SMMC program and FFS delivery system.

Therapy Treatment Visits

Therapy treatment visits are currently a covered benefit for:

- Recipients under the age of 21 years, in accordance with the PT and OT Services Coverage Policies
- Recipients over the age of 18 years who are in an LTC or comprehensive LTC plan in accordance with the SMMC LTC Coverage Policy, incorporating by reference the PT and OT Services Coverage Policies without age limitations.

Therapy Treatment visits are covered as follows:

- One initial therapy evaluation per year, per recipient
- One therapy re-evaluation every five months, per recipient
- Up to 14 therapy treatment units per week (Sunday-Saturday), per recipient (maximum of 4 units per day)
- Up to two casting and strapping applications per day, per recipient

While therapy treatment visits are not a covered benefit for individuals over the age of 21 years, not enrolled in a LTC or LTC comprehensive plan, therapy services are a covered benefit in the SMMC program. Florida Medicaid managed care plans must comply with the service coverage requirements outlined in both the PT and OT policies, unless otherwise specified in the AHCA contract with the Florida Medicaid managed care plan. The provision of services to recipients enrolled in a Florida Medicaid managed care plan must not be subject to more stringent service coverage limits than specified in Florida Medicaid policies. As such, managed care plans have the option to exceed coverage for the adult population.

Wheelchair Evaluations

Wheelchair evaluations are a covered benefit for recipients of all ages, including individuals ages 21 years and over and not enrolled in an LTC or comprehensive LTC plan. The following wheelchair evaluations are available for recipients of all ages:

- One initial wheelchair evaluation every five years, per recipient
- One follow-up wheelchair evaluation including adjustments and fittings when the wheelchair is delivered
- One follow-up wheelchair evaluation including adjustments and fittings six months after the wheelchair has been delivered

2. EFFECT OF THE BILL:

Section 1:

SB 1110 amends s. 409.906(10), F.S., Durable Medical Equipment, adding specific information related to orthoses and prostheses as an optional Medicaid service. This amended subsection establishes coverage requirements for orthoses and prostheses as defined in s. 468.80, F.S.:

- The most appropriate orthoses and prostheses devices to meet a recipient's needs to perform activities of daily living and essential job-related activities, and;
- When medically necessary, an orthosis or prosthesis designed for physical or recreational activities that maximize a recipient's full body health and upper and lower limb function.

S. 409.906(10) also requires coverage of:

- All materials and components necessary to use the device
- Instruction on the use of the device
- Any necessary repairs or replacement of the device

Section 2:

SB 1110 directs the Agency to seek federal approval and amend contracts as necessary to implement the bill.

Florida Medicaid currently covers medically necessary orthoses and prostheses devices regardless of diagnosis, condition, or regardless of how the device is to be used; whether a device is intended for activities of daily living, job-related activities, physical or recreational activities to maximize lower or upper limb function. Providers may render services and prescribe devices within their licensed scope of practice. Therefore, subsection (10)(b)(1), (a) and (b), would not materially change existing policy.

However, as added by SB 1110, s. 409.906(10), F.S., specifies that coverage under subparagraph (10)(b)(1)(a) and (b) must include any device deemed by the recipient's provider to meet a recipient's needs to perform activities of daily living, job-related activities, and, when medically necessary a device designed for physical or recreational activities that maximize upper and lower limb function. Subparagraph (10)(2) requires coverage for all materials and components necessary to use the orthosis or prosthesis. The current list of Healthcare Common Procedure Coding System (HCPCS) codes designated for Orthotics and Prosthetics outlined in the HCPCS Level II code book include over 900 codes. As the current fee schedule includes around 700 active codes designated for orthotics and prosthetics, the Agency would be required to research, price, and analyze each code, not currently included on the fee schedule for incorporation.

To implement SB 1110, the Agency would need to amend existing rules to expand the fee schedule to include additional available codes for covered orthoses and prostheses and associated materials and components necessary to use the devices which fall under the definition of s. 468.80, F.S. This is routine work for the Agency that can be accomplished with current Agency resources.

To implement subparagraph (10)(3) of SB 1110, the Agency would need to expand services for the adult population who are not currently eligible to receive therapy treatment visits. Following expansion of services for adults, the Agency would need to amend its rules and managed care contracts to include the expanded coverage.

The Agency would also need to work with stakeholders to determine whether additional treatment codes would be required for proper implementation of the expanded treatment services. If additional therapy codes are required on the fee schedule, the Agency would need to update billing systems and would be required to set rates for additional therapy treatment codes specific to orthotics and prosthetics, specifically:

- 97760 - Orthotics Management and Training (initial encounter)
- 97761 - Prosthetics Training (initial encounter - upper/lower extremities)
- 97763 - Orthotic/prosthetics management and training all extremities (adjustments, modification, further training)

These actions are part of the Agency’s routine business practices and can be accomplished using existing resources.

Finally, the Agency would be required to submit a state plan amendment to seek federal approval for the expanded access to services. This is part of the Agency’s routine business practices and can be accomplished using existing resources.

SB 1110 will have a fiscal impact on the Medicaid program as it expands access of all orthotic and prosthetic devices for recipients of all ages and therapy treatment to currently ineligible adults. If additional therapy treatment codes are required for implementation, the addition of treatment codes to the therapy fee schedules also poses a fiscal impact.

In SFY2024-25 there was \$31,171,568 (\$9,339,765 related to children and \$21,835,680 related to adults) spent on services related to orthotic and prosthetic services related to the population below. It is estimated that a 1% increase in services cost would be \$311,716.

Estimated Impact for Children

% Increase to Service Cost	Total Cost Increase for Children	Impact to General Revenue
Estimated Increase of 1% to Service Cost	\$ 93,397.65	\$ 41,209.38
Estimated Increase of 5% to Service Cost	\$ 466,988.25	\$ 206,046.89
Estimated Increase of 10% to Service Cost	\$ 933,976.51	\$ 412,093.78
Estimated Increase of 25% to Service Cost	\$ 2,334,941.26	\$ 1,030,234.46

Estimated Impact for Adults

% Increase to Service Cost	Total Cost Increase for Adults	Impact to General Revenue
Estimated Increase of 1% to Service Cost	\$ 218,356.80	\$ 96,344.48
Estimated Increase of 5% to Service Cost	\$ 1,091,784.01	\$ 481,722.40
Estimated Increase of 10% to Service Cost	\$ 2,183,568.03	\$ 963,444.80
Estimated Increase of 25% to Service Cost	\$ 5,458,920.07	\$ 2,408,612.01

The current unduplicated population potentially impacted by the proposal, based on diagnosis codes reported on claim submission, is as follows for a total of 238,762 individuals - 173,728 adults and 65,034 children:

	FFS Recipients	LTC Recipients	MMA Recipients
Adult	24,288	34,842	114,598
Children	1,983	11	63,040

Sections 3, 4, and 5 of SB 1110 create ss. 627.64085, 627.6614, and 641.31079, F.S., which do not pose an impact to the Medicaid program.

Section 6 provides an effective date for the act of July 1, 2026.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ___ N X___

If yes, explain:	
Is the change consistent with the agency's core mission?	Y ___ N <u>X</u> ___
Rule(s) impacted (provide references to F.A.C., etc.):	59G-4.073, F.A.C. Durable Medical Equipment and Supply Services: Orthotics and Prosthetics 59G-4.320, F.A.C. Physical Therapy Services 59G-4.318, F.A.C. Occupational Therapy Services

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y X___ N ___

If yes, provide a description:	Reports by insurers licensed in accordance with 627.64085, 627.6614, and 641.31079; No impact to Medicaid
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC.? REQUIRED BY THIS BILL? Y ___ N X___

Board:	
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ___ N X___

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	

If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	
---	--

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y X N

Revenues:																															
Expenditures:	<p>SB 1110 will have a fiscal impact on the Medicaid program as it expands access of all orthotic and prosthetic devices for recipients of all ages and therapy treatment to currently ineligible adults. If additional therapy treatment codes are required for implementation, the addition of treatment codes to the therapy fee schedules also poses a fiscal impact.</p> <p>In SFY2024-25 there was \$31,171,568 (\$9,339,765 related to children and \$21,835,680 related to adults) spent on services related to orthotic and prosthetic services related to the population below. It is estimated that a 1% increase in services cost would be \$311,716.</p> <p style="text-align: center;">Estimated Impact for Children</p> <table border="1" data-bbox="480 789 1395 1041"> <thead> <tr> <th data-bbox="480 789 967 888">% Increase to Service Cost</th> <th data-bbox="967 789 1170 888">Total Cost Increase for Children</th> <th data-bbox="1170 789 1395 888">Impact to General Revenue</th> </tr> </thead> <tbody> <tr> <td data-bbox="480 888 967 926">Estimated Increase of 1% to Service Cost</td> <td data-bbox="967 888 1170 926">\$ 93,397.65</td> <td data-bbox="1170 888 1395 926">\$ 41,209.38</td> </tr> <tr> <td data-bbox="480 926 967 963">Estimated Increase of 5% to Service Cost</td> <td data-bbox="967 926 1170 963">\$ 466,988.25</td> <td data-bbox="1170 926 1395 963">\$ 206,046.89</td> </tr> <tr> <td data-bbox="480 963 967 1001">Estimated Increase of 10% to Service Cost</td> <td data-bbox="967 963 1170 1001">\$ 933,976.51</td> <td data-bbox="1170 963 1395 1001">\$ 412,093.78</td> </tr> <tr> <td data-bbox="480 1001 967 1041">Estimated Increase of 25% to Service Cost</td> <td data-bbox="967 1001 1170 1041">\$ 2,334,941.26</td> <td data-bbox="1170 1001 1395 1041">\$ 1,030,234.46</td> </tr> </tbody> </table> <p style="text-align: center;">Estimated Impact for Adults</p> <table border="1" data-bbox="480 1115 1395 1367"> <thead> <tr> <th data-bbox="480 1115 967 1213">% Increase to Service Cost</th> <th data-bbox="967 1115 1170 1213">Total Cost Increase for Adults</th> <th data-bbox="1170 1115 1395 1213">Impact to General Revenue</th> </tr> </thead> <tbody> <tr> <td data-bbox="480 1213 967 1251">Estimated Increase of 1% to Service Cost</td> <td data-bbox="967 1213 1170 1251">\$ 218,356.80</td> <td data-bbox="1170 1213 1395 1251">\$ 96,344.48</td> </tr> <tr> <td data-bbox="480 1251 967 1289">Estimated Increase of 5% to Service Cost</td> <td data-bbox="967 1251 1170 1289">\$ 1,091,784.01</td> <td data-bbox="1170 1251 1395 1289">\$ 481,722.40</td> </tr> <tr> <td data-bbox="480 1289 967 1327">Estimated Increase of 10% to Service Cost</td> <td data-bbox="967 1289 1170 1327">\$ 2,183,568.03</td> <td data-bbox="1170 1289 1395 1327">\$ 963,444.80</td> </tr> <tr> <td data-bbox="480 1327 967 1367">Estimated Increase of 25% to Service Cost</td> <td data-bbox="967 1327 1170 1367">\$ 5,458,920.07</td> <td data-bbox="1170 1327 1395 1367">\$ 2,408,612.01</td> </tr> </tbody> </table>	% Increase to Service Cost	Total Cost Increase for Children	Impact to General Revenue	Estimated Increase of 1% to Service Cost	\$ 93,397.65	\$ 41,209.38	Estimated Increase of 5% to Service Cost	\$ 466,988.25	\$ 206,046.89	Estimated Increase of 10% to Service Cost	\$ 933,976.51	\$ 412,093.78	Estimated Increase of 25% to Service Cost	\$ 2,334,941.26	\$ 1,030,234.46	% Increase to Service Cost	Total Cost Increase for Adults	Impact to General Revenue	Estimated Increase of 1% to Service Cost	\$ 218,356.80	\$ 96,344.48	Estimated Increase of 5% to Service Cost	\$ 1,091,784.01	\$ 481,722.40	Estimated Increase of 10% to Service Cost	\$ 2,183,568.03	\$ 963,444.80	Estimated Increase of 25% to Service Cost	\$ 5,458,920.07	\$ 2,408,612.01
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Does the legislation contain a State Government appropriation?																															
If yes, was this appropriated last year?																															

3. DOES THE BILL HAVE A THE FISCAL IMPACT TO THE PRIVATE SECTOR? Y N X

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N X

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ___ N _X_

If yes, describe the anticipated impact to the agency including any fiscal impact.	
--	--

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ___ N _X_

If yes, describe the anticipated impact including any fiscal impact.	
--	--

ADDITIONAL COMMENTS

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LEGAL – GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments:	
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The Florida Senate

APPEARANCE RECORD

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11 FEB 2024

Meeting Date

SB 1110

Bill Number or Topic

B+I

Committee

Amendment Barcode (if applicable)

Name

Kim Baltz

Phone

850 543 1543

Address

263 S Bayshore Dr

Email

Kymbaltz@gmail.com

Street

Valparaiso, FL 32580

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Amputee Coalition of America

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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11 Feb 2026

Meeting Date

SB1110

Bill Number or Topic

B + F

Committee

Amendment Barcode (if applicable)

Name

Tobias King

Phone

8502545112

Address

3157 Shamrock E

Email

tobymacking@gmail.com

Street

Tallahassee

FL

32309

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/11/2020

Meeting Date

SB 1110

Bill Number or Topic

Banking and Insurance

Committee

Amendment Barcode (if applicable)

Name ~~XXXXXXXXXX~~ Ansel Meadows-Rader Phone 352-222-1539

Address 1311 NW 51st Ter Street Email melissa.grace.meadows@gmail.com

Gainesville FL 32605 City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

2/11/2020

Meeting Date

SB1100

Bill Number or Topic

Banking and Insurance

Committee

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Amendment Barcode (if applicable)

Name Melissa Meadows

Phone (888) 352-222-1539

Address 1311 NW 51st Ter

Street

Email melissa.grace.meadows@gmail.com

Gainesville

FL

32605

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/11/26

Meeting Date

REVENUE SB 1110

Bill Number or Topic

BANKING + INSURANCE

Committee

Amendment Barcode (if applicable)

Name JOE KALICKI

Phone (850) 228-2364

Address 2103 CROYDON DR
Street

Email joseph.kalicki@gmail.com

TALLAHASSEE
City

FL
State

32303
Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/11/26 Meeting Date

SB 1110 Bill Number or Topic

Banking & Insurance Committee

Amendment Barcode (if applicable)

Name Olivia Keller Phone 863-393-5724

Address 2416 Formosa Dr Street Email okeller@amputee-coalition.org

Tallahassee FL 32308 City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Amputee Coalition

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11 FEB 2026

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1110

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

B + I

Committee

Amendment Barcode (if applicable)

Name Peter QUINTANILLA

Phone 202-855-0183

Address 3202 W WALLCRAFT AVE

Email pquintanilla@110P.EDU

Street

TAMPA

City

FL

State

33611

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

110P
International Institute of Orthotics + Prosthetics

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/11/2026

Meeting Date

SB1110

Bill Number or Topic

B and I

Committee

Amendment Barcode (if applicable)

Name Keegan Allison

Phone 850-544-3685

Address 454 San Martin Dr.

Email keeganmallison@gmail.com

Street

Tallahassee

City

State

32312

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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: SB 1256
 INTRODUCER: Senator Grall
 SUBJECT: Pharmacy Audits
 DATE: February 10, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Favorable
2.			AEG	
3.			RC	

I. Summary:

SB 1256 revises the pharmacy audit requirements that a pharmacy benefit manager or their auditor must follow. The bill:

- Establishes uniform audit standards for pharmacy benefit manager (PBM) affiliated pharmacies and nonaffiliated pharmacies;
- Extends the amount of prior notice of an audit that a PBM must provide to a pharmacy from 7 days to 30 days;
- Limits each audit to random sampling of no more than 0.1 percent of prescriptions; prohibits targeted selection by drug class, cost, or category unless fraud is suspected; and provides that additional claims can only be audited if fraud, waste, or abuse is reasonably suspected and stated in writing;
- Establishes protocols and notice for the designation of a pharmacy audit as a fraud, waste, and abuse audit; requires written notice to the pharmacy before commencement of such audit, including a clear statement that the audit is designated as a fraud, waste, or abuse audit, the specific claims or classes of claims to which the fraud, waste, or abuse designation applies, and a list of the specific facts, data, or allegations forming the basis for the fraud, waste, abuse designation;
- Prohibits PBM auditors from being compensated based on contingency based on recovery amounts;
- Creates inventory reconciliation protections to ensure that pharmacy-to-pharmacy transfers cannot be rejected; and limits documentation to the Federal Supply Chain Act requirements;
- Delays PBM recoupment until any appeals are resolved; the pharmacy has responded to any appeal; and the final audit report is issued;
- Limits recoupment to dispensing fee unless the pharmacy failed to dispense the drug or committed fraud; and prohibits ingredient cost recoupment for clerical or documentation errors; and

- Authorizes the Office of Insurance (OIR) to investigate audit complaints, issue fines based on the severity of the violation, order restitution for improper recoupments; and suspend or revoke a PBM registration for willful violations.

II. Present Situation:

The Office of Insurance Regulation¹

The Office of Insurance Regulation (OIR) is an office under the Financial Services Commission (commission), which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. The commission is the agency head for purposes of rulemaking for OIR. The commission is not subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters. OIR is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates, policy forms, market conduct, claims, solvency, administrative supervision, pursuant to the Florida Insurance Code (code).

Pharmacy Benefit Managers

The OIR also regulates pharmacy benefit managers (PBMs). A PBM operating in Florida must be registered with OIR, pursuant to s. 624.490, F.S., and hold a valid certificate of authority (COA) as an insurance administrator. A PBM is a person or an entity doing business in this state which contracts to administer prescription drug benefits on behalf of a pharmacy benefits plan or program. The term includes, but is not limited to, a person or an entity that performs one or more of the following services on behalf of such plan or program:

- Pharmacy claims processing.
- Administration or management of a pharmacy discount card program.
- Managing pharmacy networks or pharmacy reimbursement.
- Paying or managing claims for pharmacist services provided to covered persons.
- Developing or managing a clinical formulary, including utilization management or quality assurance programs.
- Pharmacy rebate administration.
- Managing patient compliance, therapeutic intervention, or generic substitution programs.
- Administration or management of a mail-order pharmacy program.²

A pharmacy benefit plan or program³ includes, but is not limited to, health maintenance organizations (HMOs), health insurers, self-insured employer health plans, discount card programs, and government-funded health plans, including the Statewide Medicaid Managed Care (SMMC) program established pursuant to part IV of ch. 409, F.S., and the state group insurance program pursuant to part I of ch. 110, F.S. The term excludes such a plan or program under ch. 440, F.S. the workers' compensation law.

¹ Section 20.121(3), F.S.

² Section 626.88(6), F.S.

³ Section 626.8825(1)(u), F.S.

Section 624.491, F.S., prescribes the terms and conditions for an audit of a pharmacy licensed under ch. 465, F.S., by an entity, such as a pharmacy benefit plan or a pharmacy benefit manager, or their representative auditor. Pursuant to s. 408.7057, F.S., and after the receipt of the final audit report, a pharmacy may appeal the findings of the final audit report as to whether a claim payment is due and as to the amount of the claim payment.

Statewide Provider and Health Plan Claim Dispute⁴

Section 408.7057, F.S., creates the Statewide Provider and Health Plan Claim Dispute Resolution Program (program) within the Agency for Health Care Administration (agency). The program assist health care providers and health insurance plans resolve health care claims disputes. Capitol Bridge is the agency's contracted independent dispute resolution organization who serves as the arbitrator of claims disputes between the health care providers and health insurance plans. The program provides a lower cost dispute resolution option to formal litigation.

The program is not mandatory but provides a path to dispute resolution in lieu of formal litigation. However, once a provider requests arbitration services related to a SMMC claim dispute, the SMMC contracted plan must participate in the arbitration process. Once both parties agree to participate, the decision is binding.

The resolution organization has 60 days to make a recommendation to the agency after receipt of the appropriate forms and documentation. The resolution organization has the right to request additional documentation from both parties. The total review time may not exceed 90 days following receipt of the initial claim dispute request. The agency has 30 days to issue a final order based upon the date of receipt of the recommendation made by the resolution organization. The final order is subject to judicial review pursuant to s. 120.68, F.S.

Pharmacist Licensure

The Board of Pharmacy (Board), in conjunction with the Department of Health (Department), regulate the practice of pharmacists pursuant to ch. 465, F.S. To be licensed as a pharmacist, a person must:

- Complete an application and remit an examination fee;
- Be at least 18 years of age;
- Hold a degree from an accredited and approved school or college of pharmacy;
- Have completed a Board-approved internship; and
- Successfully complete the Board-approved examination.

A pharmacist must complete at least 30 hours of Board-approved continuing education during each biennial renewal period. Section 465.003(22), F.S. outlines a pharmacist's authority within the scope of practice of the profession of pharmacy. According to the Department of Health's Division of Medical Quality Assurance 2024-2025 Annual Report, there are 41,245 licensed pharmacists in Florida.

⁴ Agency for Health Care Administration, Statewide Provider and Health Plan Claim Dispute Resolution Program [Statewide Provider and Health Plan Claim Dispute Resolution Program FAQ | Florida Agency for Health Care Administration](#) (last visited Feb. 2, 2026).

Audits of Pharmacies

Audits of pharmacy claims serve two main purposes, namely, detecting fraud, waste and abuse within the prescription drug benefit, and validating data entry and documentation to ensure that pharmacies meet regulatory and contractual requirements. Auditors review a sample of the total population of claims to determine compliance with the PBM contract.

Audit sampling is the application of an audit procedure to less than 100 percent of the items within an account balance or class of transactions for the purpose of evaluating some characteristic of the balance or class.⁵ Generally, the sample size is based on statistically valid rational and risk assessments.⁶ The sample must be representative of the population. Further, the sample must be large enough to reflect the population, typically requiring a lower margin of error (e.g., +/- 3 percent) and higher confidence level (e.g., 95 percent).⁷

III. Effect of Proposed Changes:

Section 1 amends s. 624.491, F.S., relating to pharmacy audits, to:

- Require the person conducting a pharmacy audit (auditor) on behalf of a pharmacy benefit plan or program to apply uniform audit standards, scope, frequency, and penalty practices to all pharmacies within the pharmacy benefit plan's network, including the pharmacy benefit managers owned or affiliated and non-affiliated pharmacies;
- Prohibits the auditor from imposing stricter audit methodologies, higher error thresholds, expanded documentation requirements or more frequent audits on nonaffiliated pharmacies than on pharmacy benefit manager owned or affiliated pharmacies.
- Requires the auditor to provide documentation demonstrating compliance with applying uniform audit standards, penalty practices to all pharmacies within the pharmacy benefit's plan network, upon request by the Office of Insurance Regulation (OIR) or a network pharmacy subject to audit.
- Requires auditor to provide at 30 instead of 7 days advance notice before any initial onsite or remote audit for each audit cycle.
- Prohibits an auditor from scheduling an audit during the first seven instead of three calendar days of the month unless the pharmacy consents in writing.
- Limits the scope of each audit to a random sampling of no more than 0.1 percent of prescriptions. Any additional claims may be audited only if fraud, waste, or abuse is reasonably suspected and stated in writing.
- Requires the auditor to use a random selection process for conducting audits. Targeting selection based on drug class, cost, or therapeutic category is prohibited unless fraud, waste, or abuse is suspected and stated in writing.
- Requires that if an audit requires clinical or professional judgement, any pharmacist used must be licensed in Florida.

⁵ Public Company Accounting Oversight Board, [AS 2315: Audit Sampling | PCAOB](#) (Dec. 15, 2026).

⁶ Packaging Digest, [How to determine a valid sample size for testing medical device packaging](#) (Oct. 19, 2018) (last visited Feb. 2, 2026).

⁷ *Id.*

- Authorizes the pharmacy to use the written and verifiable records of a prescriber to validate the pharmacy records. The bill also provides that electronic records and scanned prescriptions are valid.
- Requires that a pharmacy must be reimbursed for an omission or discrepancy in documentation which does not affect the identity of the patient, the identity of the prescriber, the drug dispensed, the quantity dispensed, the date of service, or the accuracy of the amount paid under the claim, if the prescription was properly and correctly dispensed, unless a pattern of such errors exists, fraudulent billing is alleged, or the error results in actual financial loss to the entity. The bill provides that such errors are not considered fraud unless there is clear and convincing evidence of intent to defraud.
- Requires the auditor to provide the pharmacy with a copy of the preliminary audit report within 30 instead of 120 days after the conclusion of the audit.
- Authorizes the pharmacy to initiate an appeal within 30 instead of 10 days after the preliminary audit is delivered to the pharmacy. A written appeals process is required.
- Provides that recoupment may not be calculated according to the accounting practice of extrapolation unless agreed upon in writing as part of a settlement. Recoupment is limited to the dispensing fee unless the pharmacy failed to dispense the drug or acted with willful intent to defraud. Ingredient cost recoupment is prohibited unless fraud or willful misrepresentation is proven. All recouped funds must be returned in full to the plan sponsor.
- Provides that recoupment may not occur until:
 - The pharmacy has had at least 30 days to respond;
 - All appeals are resolved; and
 - A final audit report is issued.
- Prohibits compensation of the auditor based on recovery amounts.

The bill provides that the person conducting the pharmacy audit may not:

- Disregard valid inventory acquired in accordance with state and federal law and legitimate business practices. All legally sourced products held by the pharmacy at the time of dispensing must count toward inventory reconciliation.
- Impose additional notification or approval requirements for routine pharmacy business decisions.
- Require sourcing from a narrower list of distributors than what is permitted under state or federal licensure standards.
- Impose manufacturer-driven restrictions on the source of drug products used in audit reconciliation.
- Reject purchases from pharmacy-to-pharmacy transfers conducted in accordance with state and federal law and accompanied by appropriate transaction documentation.
- Require bank statements, deposit records, including copies of the front or back of checks, and point-of-sale transaction records, or a combination of such records if any one or more of these records sufficiently demonstrates copay collection consistent with industry norms. Reasonable proof of copay collection must be limited to standard pharmacy records, including signature logs, point-of-sale transaction records, and accounting records.
- Require subsequent attestations from the patient. Lack of subsequent attestation may not be used to justify claim reversal or recoupment if a pharmacy possesses valid

- documentation that medication was dispensed to the patient or his or her authorized representative, including, but not limited to, signature logs, electronic dispensing records, point-of-sale transaction records, or an in-person pharmacist acknowledgement of dispensing.
- Initiate subsequent attestations more than 180 days after the date of service.
 - Require duplicate or extraordinary documentation beyond what is required under state and federal law in invoice audits. The following is deemed sufficient proof of lawful acquisition of products for audit reconciliation purposes:
 - Invoices from licensed wholesalers or distributors.
 - Valid documentation of pharmacy-to-pharmacy transfers conducted in accordance with state or federal law.
 - Records consistent with the Drug Supply Chain Security Act, 21 U.S.C. ss. 351 et seq., and Board of Pharmacy requirements.

The bill provides that an audit designated as a fraud, waste, or abuse audit must be based on specific, documented evidence or a credible allegation of fraud, waste, or abuse involving the pharmacy or a specific claim or set of claims under review. The person or entity conducting a fraud, waste, or abuse audit must provide the pharmacy with, in writing, before commencement of such audit:

- A clear statement that the audit is designated as a fraud, waste, or abuse audit.
- A list of the specific facts, data, or allegations forming the basis for the fraud, waste, abuse designation.
- Identification of the specific claims or classes of claims to which the fraud, waste, or abuse designation applies.

The bill provides that person or entity auditing the records of a pharmacy licensed under chapter 465, F.S., may not use a fraud, waste, or abuse audit designation to circumvent any provision of s. 624.491, F.S., unless the audit complies fully with the fraud, waste, or abuse audit provisions.

The bill provides that the provisions of s. 624.491, F.S., do not apply to audits conducted by the Medicaid Fraud Control Unit or initiated under a criminal investigation supported by probable cause.

Authorizes OIR to:

- Investigate complaints of violations of s. 624.491, F.S.
- Issue cease and desist orders.
- Impose administrative fines as follows:
 - For misuse of the fraud, waste, or abuse designation in violation of subsection (3), a fine not to exceed \$100,000 per violation.
 - For a violation of paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c), a fine not to exceed \$50,000 per violation.
 - For any other violation of this section, a fine not to exceed \$25,000 per violation.
- Order restitution for improper recoupments.
- Prohibit any person or entity from conducting audits under s. 624.491, F.S. for up to 2 years upon a finding that such person or entity has committed willful abuse of the fraud, waste, or abuse designation in violation of s. 624.491(3), F.S.

- Suspend or revoke a pharmacy benefit manager's registration under s. 624.490 for repeated or willful violations.

The Financial Services Commission is authorized to adopt rules necessary to implement the bill.

Section 2 provides the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

The amendments to the pharmacy audit requirements and recoupment practices by PBMs may reduce the number and amount of recoupments collected by PBMs from pharmacies.

C. Government Sector Impact:

The bill provides the Office of Insurance Regulation with more enforcement authority to investigate complaints relating to pharmacy audits, as well as fines for noncompliance.

VI. Technical Deficiencies:

Typically, a sample size is based on statistically valid rationale and risk assessments of the entity being audited.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 624.491 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Grall

29-01367A-26

20261256__

1 A bill to be entitled
 2 An act relating to pharmacy audits; amending s.
 3 624.491, F.S.; revising requirements for audits of
 4 licensed pharmacies conducted by or on behalf of
 5 pharmacy benefit plans or programs; revising audit
 6 procedures, documentation requirements, reporting and
 7 appeal requirements, and recoupment limits and
 8 procedures; prohibiting the person or entity
 9 conducting such audit from taking certain actions;
 10 requiring that an audit designated as a fraud, waste,
 11 or abuse audit be based on specified evidence or
 12 credible allegations or claims; providing requirements
 13 for the person or entity conducting such fraud, waste,
 14 or abuse audit; prohibiting a person or entity
 15 auditing the records of a licensed pharmacy from using
 16 a fraud, waste, or abuse audit designation to
 17 circumvent certain provisions; providing an exception;
 18 revising applicability; providing for enforcement;
 19 authorizing the Office of Insurance Regulation to
 20 investigate complaints of violations, issue cease and
 21 desist orders, impose fines and other administrative
 22 penalties, order restitution for improper recoupments,
 23 prohibit any person or entity from conducting audits
 24 for a specified timeframe upon certain findings, and
 25 suspend or revoke a pharmacy benefit manager's
 26 registration under certain circumstances; requiring
 27 the Financial Services Commission to adopt rules;
 28 providing an effective date.
 29

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Section 624.491, Florida Statutes, is amended to
 33 read:
 34 624.491 Pharmacy audits; enforcement; penalties;
 35 rulemaking.—
 36 (1) A pharmacy benefits plan or program as defined in s.
 37 626.8825 providing pharmacy benefits must comply with ~~the~~
 38 ~~requirements of~~ this section when the pharmacy benefits plan or
 39 program or any person or entity acting on behalf of the pharmacy
 40 benefits plan or program, including, but not limited to, a
 41 pharmacy benefit manager as defined in s. 626.88, audits the
 42 records of a pharmacy licensed under chapter 465. The person or
 43 entity conducting such audit must:
 44 (a) Apply uniform audit standards, scope, frequency, and
 45 penalty practices to all pharmacies within the pharmacy benefits
 46 plan's or program's network, including pharmacy benefit manager-
 47 owned or -affiliated pharmacies and nonaffiliated pharmacies.
 48 (b) Not impose stricter audit methodologies, higher error
 49 thresholds, expanded documentation requirements, or more
 50 frequent audits on nonaffiliated pharmacies than on pharmacy
 51 benefit manager-owned or -affiliated pharmacies.
 52 (c) Upon request by the office or a network pharmacy
 53 subject to audit, provide documentation demonstrating compliance
 54 with paragraph (a) or paragraph (b), including a comparison of
 55 audit frequency, scope, methodologies, and recoupment rates
 56 between pharmacy benefit manager-owned or -affiliated pharmacies
 57 and nonaffiliated pharmacies.
 58 (d) ~~(a)~~ Except as provided in subsection (5) ~~(3)~~, notify the

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59 pharmacy in writing at least 30 7 calendar days before any ~~the~~
60 initial onsite or remote audit for each audit cycle.

61 ~~(e)(b)~~ Not schedule an ~~onsite~~ audit during the first 7 3
62 calendar days of a month unless the pharmacist consents in
63 writing otherwise.

64 (f) Not disrupt patient care or otherwise interfere with
65 the pharmacy's daily operations.

66 ~~(g)(e)~~ Limit the duration of the audit period to 24 months
67 after the date a claim is submitted to or adjudicated by the
68 entity.

69 (h) Limit each audit to a random sampling of no more than
70 0.1 percent of prescriptions. Additional claims may be audited
71 only if fraud, waste, or abuse is reasonably suspected and
72 stated in writing.

73 (i) Use a random selection process for conducting audits.
74 Targeted selection based on drug class, cost, or therapeutic
75 category is prohibited unless fraud, waste, or abuse is
76 reasonably suspected and stated in writing.

77 ~~(j)(d)~~ In the case of an audit that requires clinical or
78 professional judgment, conduct the audit in consultation with,
79 or allow the audit to be conducted by, a pharmacist licensed in
80 this state.

81 ~~(k)(e)~~ Allow the pharmacy to use the written and verifiable
82 records of a prescriber, hospital, physician, or other
83 authorized practitioner, which are transmitted by any means of
84 communication, to validate the pharmacy records in accordance
85 with state and federal law. Electronic records and scanned
86 prescriptions are valid.

87 ~~(l)(f)~~ Reimburse the pharmacy for a claim that was

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88 retroactively denied for a clerical error, typographical error,
89 scrivener's error, or computer error or for an omission or
90 discrepancy in documentation which does not affect the identity
91 of the patient, the identity of the prescriber, the drug
92 dispensed, the quantity dispensed, the date of service, or the
93 accuracy of the amount paid under the claim, if the prescription
94 was properly and correctly dispensed, unless a pattern of such
95 errors exists, fraudulent billing is alleged, or the error
96 results in actual financial loss to the entity. Such errors are
97 not considered fraud unless there is clear and convincing
98 evidence of intent to defraud.

99 ~~(m)(g)~~ Provide the pharmacy with a copy of the preliminary
100 audit report within 30 ~~40~~ days after the conclusion of the
101 audit.

102 ~~(n)(h)~~ Allow the pharmacy to produce documentation to
103 address a discrepancy or audit finding, or to initiate an
104 appeal, within 30 ~~40 business~~ days after the preliminary audit
105 report is delivered to the pharmacy. A written audit appeals
106 process is required.

107 ~~(o)(i)~~ Provide the pharmacy and the plan sponsor with a
108 copy of the final audit report within 90 days ~~6 months~~ after the
109 pharmacy's receipt of the preliminary audit report.

110 ~~(p)(j)~~ Calculate any recoupment or penalties based on
111 actual overpayments. Recoupment may ~~and~~ not be calculated
112 according to the accounting practice of extrapolation unless
113 agreed upon in writing as part of a settlement. Recoupment is
114 limited to the dispensing fee unless the pharmacy failed to
115 dispense the drug or acted with willful intent to defraud.
116 Ingredient cost recoupment is prohibited unless fraud or willful

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117 misrepresentation is proven. All recouped funds must be returned
 118 in full to the plan sponsor. Recoupment may not occur until:
 119 1. The pharmacy has had at least 30 days to respond;
 120 2. All appeals are resolved; and
 121 3. A final audit report is issued.
 122 (g) Not be compensated based on recovery amounts.
 123 (2) The person or entity conducting such audit may not:
 124 (a) Disregard valid inventory acquired in accordance with
 125 state and federal law and legitimate business practices. All
 126 legally sourced products held by the pharmacy at the time of
 127 dispensing must count toward inventory reconciliation.
 128 (b) Impose additional notification or approval requirements
 129 for routine pharmacy business decisions.
 130 (c) Require sourcing from a narrower list of distributors
 131 than what is permitted under state or federal licensure
 132 standards.
 133 (d) Impose manufacturer-driven restrictions on the source
 134 of drug products used in audit reconciliation.
 135 (e) Reject purchases from pharmacy-to-pharmacy transfers
 136 conducted in accordance with state and federal law and
 137 accompanied by appropriate transaction documentation.
 138 (f) Require bank statements, deposit records, including
 139 copies of the front or back of checks, and point-of-sale
 140 transaction records, or a combination of such records if any one
 141 or more of these records sufficiently demonstrates copay
 142 collection consistent with industry norms. Reasonable proof of
 143 copay collection shall be limited to standard pharmacy records,
 144 including signature logs, point-of-sale transaction records, and
 145 accounting records.

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146 (g) Require subsequent attestations from the patient. Lack
 147 of subsequent attestation may not be used to justify claim
 148 reversal or recoupment if a pharmacy possesses valid
 149 documentation that medication was dispensed to the patient or
 150 his or her authorized representative, including, but not limited
 151 to, signature logs, electronic dispensing records, point-of-sale
 152 transaction records, or an in-person pharmacist acknowledgement
 153 of dispensing.
 154 (h) Initiate subsequent attestations more than 180 days
 155 after the date of service.
 156 (i) Require duplicate or extraordinary documentation beyond
 157 what is required under state and federal law in invoice audits.
 158 The following is deemed sufficient proof of lawful acquisition
 159 of products for audit reconciliation purposes:
 160 1. Invoices from licensed wholesalers or distributors.
 161 2. Valid documentation of pharmacy-to-pharmacy transfers
 162 conducted in accordance with state or federal law.
 163 3. Records consistent with the Drug Supply Chain Security
 164 Act, 21 U.S.C. ss. 351 et seq., and Board of Pharmacy
 165 requirements.
 166 Documentation may not be required unless reasonably necessary to
 167 validate lawful inventory acquisitions.
 168 (3)(a) An audit designated as a fraud, waste, or abuse
 169 audit must be based on specific, documented evidence or a
 170 credible allegation of fraud, waste, or abuse involving the
 171 pharmacy or a specific claim or set of claims under review.
 172 (b) The person or entity conducting a fraud, waste, or
 173 abuse audit must provide the pharmacy with, in writing, before
 174 _____

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175 commencement of such audit:

176 1. A clear statement that the audit is designated as a
 177 fraud, waste, or abuse audit.

178 2. A list of the specific facts, data, or allegations
 179 forming the basis for the fraud, waste, or abuse designation.

180 3. Identification of the specific claims or classes of
 181 claims to which the fraud, waste, or abuse designation applies.

182 (c) A person or entity auditing the records of a pharmacy
 183 licensed under chapter 465 may not use a fraud, waste, or abuse
 184 audit designation to circumvent any provision of this section
 185 unless the audit complies fully with this subsection.

186 (4)(2) This section does not apply to:

187 (a) Audits conducted by the Medicaid Fraud Control Unit or
 188 initiated under a criminal investigation supported by probable
 189 cause;

190 (b)(a) Audits in which suspected fraudulent activity or
 191 other intentional or willful misrepresentation is evidenced by a
 192 physical review, review of claims data or statements, or other
 193 investigative methods;

194 (c)(b) Audits of claims paid for by federally funded
 195 programs; or

196 (d)(e) Concurrent reviews or desk audits that occur within
 197 3 business days after transmission of a claim and where no
 198 chargeback or recoupment is demanded.

199 (5)(3) An entity that audits a pharmacy located within a
 200 Health Care Fraud Prevention and Enforcement Action Team (HEAT)
 201 Task Force area designated by the United States Department of
 202 Health and Human Services and the United States Department of
 203 Justice may dispense with the notice requirements of paragraph

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204 (1)(d) ~~(1)(a)~~ if such pharmacy has been a member of a
 205 credentialed provider network for less than 12 months.

206 (6)(4) Pursuant to s. 408.7057, and after receipt of the
 207 final audit report issued under paragraph (1)(o) ~~(1)(i)~~, a
 208 pharmacy may appeal the findings of the final audit report as to
 209 whether a claim payment is due and as to the amount of a claim
 210 payment.

211 (7)(5) A pharmacy benefits plan or program that, under
 212 terms of a contract, transfers to a pharmacy benefit manager the
 213 obligation to pay a pharmacy licensed under chapter 465 for any
 214 pharmacy benefit claims arising from services provided to or for
 215 the benefit of an insured or subscriber remains responsible for
 216 a violation of this section.

217 (8) The office shall enforce this section and may:

218 (a) Investigate complaints of violations of this section.

219 (b) Issue cease and desist orders.

220 (c) Impose administrative fines as follows:

221 1. For misuse of the fraud, waste, or abuse designation in
 222 violation of subsection (3), a fine not to exceed \$100,000 per
 223 violation.

224 2. For a violation of paragraph (1)(a), paragraph (1)(b),
 225 or paragraph (1)(c), a fine not to exceed \$50,000 per violation.

226 3. For any other violation of this section, a fine not to
 227 exceed \$25,000 per violation.

228 (d) Order restitution for improper recoupments.

229 (e) Prohibit any person or entity from conducting audits
 230 under this section for up to 2 years upon a finding that such
 231 person or entity has committed willful abuse of the fraud,
 232 waste, or abuse designation in violation of subsection (3).

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233 (f) Suspend or revoke a pharmacy benefit manager's
234 registration under s. 624.490 for repeated or willful
235 violations.

236 (9) The commission shall adopt rules necessary to implement
237 this section.

238 Section 2. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Joe Gruters, Chair
Committee on Banking and Insurance

Subject: Committee Agenda Request

Date: January 12, 2026

I respectfully request that **Senate Bill #1256**, relating to Pharmacy Audits, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

Senator Erin Grall
Florida Senate, District 29

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-11-26

Meeting Date

1256

Bill Number or Topic

Bank Ltns

Committee

Amendment Barcode (if applicable)

Name Kevin Duane

Phone 904 422 5643

Address 7307 N Main St

Email Kevin@PanamaRX.com

Street

Jacksonville

State

FL

32208

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

02/11/2026

Meeting Date

1256

Bill Number or Topic

Banking & Insurance

Committee

Amendment Barcode (if applicable)

Name

Kelly Mallette

Phone

(850) 224 3427

Address

104 W Jefferson Street

Email

kelly@rcbookpa.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA PHARMACY ASSOCIATION

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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: SB 1380

INTRODUCER: Senator Martin

SUBJECT: Unauthorized Aliens

DATE: February 10, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Pre-meeting
2.			AP	
3.			RC	

I. Summary:

SB 1380 enacts requirements related to unauthorized alien employment verification and eligibility for insurance benefits and state and local government assistance. The bill:

- Prohibits individuals who are not lawfully present in the U.S. from obtaining any license issued from the Department of Financial Services (DFS).
- Requires that individuals receiving financial assistance from a county surtax, including any loans or grants, must be lawfully present in the United States.
- Authorizes DFS to deny claims submitted to the Division of Risk Management within DFS by adult unauthorized aliens based on immigration status. This section also provides the division with discretion to deny claims submitted by unauthorized alien minor.
- Requires all licensing procedures, prelicensing instructions, and licensing testing under ch. 322, F.S., be conducted solely in the English language.
- Prohibits individuals who are not lawfully present in the U.S. from receiving home ownership down payment assistance.
- Prohibits individuals who are not lawfully present in the U.S. from receiving Florida Hometown Hero Program assistance.
- Revises the definition of employee for purposes of the workers' compensation law to exclude unauthorized aliens. However, lawful and unlawful minors continue to be considered employees.
- Adds for purposes of workers' compensation, compensation is payable irrespective of fault except for unauthorized aliens.
- Provides that if an employer knowingly hires or employs an individual who is not authorized to work in the U.S. under federal law, the employer is personally and fully liable for all medical and treatment costs and related expenses of the unauthorized alien. The unauthorized alien may sue in tort since workers' compensation would no

longer be the exclusive remedy. The bill creates a fine not to exceed \$50,000 per violation for knowingly hiring or employing an unauthorized alien.

- Requires an employer to verify an employee's employment eligibility through E-Verify prior to submitting a claim. If the employer fails to check an employee's status through E-Verify before submitting a claim to a carrier, the employer is ineligible to receive benefits from the carrier. Employers must maintain E-Verify documentation that is generated.
- Creates fines for an employer who knowingly hires or employs unauthorized aliens. The bill authorizes the Department of Commerce to also suspend or revoke licenses held by employers which were issued by a licensing agency under ch. 120, F.S., contingent on the number of instances of noncompliance.
- Prohibits licensed money transmitters from initiating foreign remittance transfers on behalf of certain senders unless the licensee has verified that the sender is not an unauthorized alien. The bill requires money transmitters to verify compliance with new statutory mandates through submission of forms and records retention. The bill requires the Office of Financial Regulation (OFR) to impose a monetary penalty equal to 25 percent of the U.S. dollar amount transferred upon money transmitters who fail to comply with the verification provisions.
- Requires the OFR to conduct a records audit for foreign remittance licensees. Further, OFR may request the money transmitter, at any time, to provide documentation showing that a sender of a foreign remittance transfer is not an unauthorized alien. A person with a good-faith belief that a licensee is violating the verification requirements may file a complaint with the OFR. Upon substantiated complaints, the licensee must pay any applicable penalties.
- Prohibits check cashers and foreign currency exchangers from accepting licenses or identification cards issued exclusively to unauthorized aliens as valid identification.
- Establishes an automatic presumption of fault for unauthorized aliens driving with an invalid out-of-state-license in motor vehicle accidents unless the other driver caused the accident through reckless behavior, was driving under the influence, was racing, or left the scene.
- Prohibits state-chartered financial institutions from accepting identification cards or licenses issued exclusively to unauthorized aliens as valid identification for accessing financial services.

Provides that the bill takes effect upon becoming law.

II. Present Situation:

Recent Immigration Trends¹

The United States unauthorized immigrant population reached a record 14 million in 2023. This growth continued in 2024, and has decreased in 2025. After mid-2024, policy decisions spanning the President Biden and President Trump administrations again changed this population. Growth

¹ Pew Research Center, U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023 (Aug. 21, 2025) [Record 14 Million Unauthorized Immigrants Lived in the US in 2023 | Pew Research Center](#) (last visited Feb. 8, 2026).

slowed considerably in the last half of 2024 after the Biden administration stopped accepting asylum applications at the border and paused parole programs. Subsequently in 2025, the unauthorized immigrant population has probably started to decline, due in part to increased deportations and reduced protections under President Trump's administration. It is estimated that 1.6 million unauthorized immigrants live in Florida.

Employment Verification

Under the federal Immigration Reform and Control Act of 1986 (IRCA),² it is illegal for any United States employer to knowingly:

- Hire, recruit, or refer for a fee an alien knowing he or she is unauthorized to work;
- Continue to employ an alien knowing he or she has become unauthorized; or
- Hire, recruit or refer for a fee, any person (citizen or alien) without following the record keeping requirements of the IRCA.³

The employment verification process begins when an employee accepts an offer of employment.⁴ Between this point and the employee's first day on the job, an employee must present documents that establish his or her identity and eligibility to work⁵ by completing Section 1 of the Form I-9, which requires the employee's name, address, social security number (SSN), and citizenship status under penalty of perjury.⁶ By the end of the third day on the job, the employer is required to complete Section 2, which states under penalty of perjury that certain employee-provided documents that establish the employee's eligibility were reviewed.⁷ Most employers are not required to continue the verification of employment eligibility process beyond this step. However, for those who choose to use or are required to use E-Verify, the process continues.

E-Verify Federal Law

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA),⁸ which, among other provisions, created various employment eligibility verification programs, including the Basic Pilot program, now referred to as E-Verify. E-Verify is an Internet-based system through which an employer can verify that a newly hired employee is authorized to work in the United States. E-Verify is administered by DHS in partnership with the Social Security Administration (SAA). It is free for employers to use and provides an automated link to government records to help employers confirm the employment eligibility of new hires.⁹

² Pub. L. No. 99-603, 100 Stat. 3359.

³ 8 U.S.C. s. 1324a.

⁴ U.S. Citizenship and Immigration Services, *Complete and Correct Form I-9*, <https://www.uscis.gov/i-9-central/complete-and-correct-form-i-9> (last visited Mar. 11, 2023).

⁵ An employer may rely on a U.S. passport; resident alien card, alien registration card, or other document designated by the U.S. Attorney General that contains a photograph and other personal identifying information, authorizes employment in the U.S., and is tamper resistant. Alternatively, an employer may review a combination of documents that establish the individual's identity, e.g., a SSN, and a document that establishes the individual's identity, e.g., a driver's license.

⁶ See 8 C.F.R. s. 274a.2(b)(1)(i)(A).

⁷ 8 U.S.C. s. 1324a. See 8 C.F.R. s. 274a.2(b)(1)(ii).

⁸ Pub. L. No. 104-208.

⁹ U.S. Citizenship and Immigration Services, *How do I use E-Verify?* <https://www.e-verify.gov/sites/default/files/everify/guides/E4en.pdf> (last visited Feb. 8, 2026).

In 2008, the federal government began requiring any entity that maintained or applied for federal contracts to use E-Verify.¹⁰ By 2025, E-Verify had 1,392,898 participating employers.¹¹ For 2025, about 132,846 Florida employers had entered into memorandums of understanding (MOU) with DHS to participate in the E-Verify System.¹² Some of the requirements of employers delineated in the MOU, include but are not limited to:¹³

- The Employer agrees to grant E-Verify access only to current employees who need E-Verify access. Employers must promptly terminate an employee’s E-Verify access if the employee is separated from the company or no longer needs access to E-Verify.
- The employer is strictly prohibited from creating an E-Verify case before the employee has been hired, meaning that a firm offer of employment was extended and accepted and Form I-9 was completed.
- The Employer agrees not to use E-Verify for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use that this MOU or the E-Verify User Manual does not authorize.
- The Employer must use E-Verify for all new employees. The Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. The Employer agrees that it will use the information it receives from E-Verify only to confirm the employment eligibility of employees as authorized by this MOU.
- The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords), to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer’s responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

To use the E-Verify system, an employer must open a “case” for the employee on the system and enter basic information from the employee’s Form I-9 (name, address, SSN) into the case.¹⁴ Then, the system checks the submitted information to records that are available to the DHS and SSA, and issues one of the following possible results to the employer:

- Employment Authorized - The employee’s information matched records available to the DHS and/or SSA.
- E-Verify Needs More Time - This case was referred to the DHS for further verification.
- Tentative Nonconfirmation (Mismatch) - Information did not match records available to the DHS and/or SSA. If this is the initial result, the employer must notify the

¹⁰ E-Verify, *History and Milestones*, <https://www.e-verify.gov/about-e-verify/history-and-milestones> (last visited Feb. 8, 2026).

¹¹ E-Verify, *E-Verify Usage Statistics*, click “Show the Data Table” for a download csv, <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-usage-statistics> (last visited Feb. 8, 2026).

¹² *Id.*

¹³ See E-Verify, *The E-Verify Memorandum of Understanding for Employers* (June 1, 2013), <https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf> (last visited Feb. 8, 2026).

¹⁴ E-Verify, *Verification Process*, for details on how the system works, <https://www.e-verify.gov/employers/verification-process> (last visited Feb. 8, 2026).

employee so the employee can decide whether or not to take action to resolve the mismatch.

- Case in Continuance - The employee has contacted the DHS or visited an SSA field office, but more time is needed to determine a final case result.
- Close Case and Resubmit – The DHS or SSA requires that the employer to close the case and create a new case for the employee. This result may be issued when the employee’s United States passport, passport card, or driver’s license information is incorrect.
- Final Nonconfirmation - E-Verify cannot confirm the employee’s employment eligibility after the employee contacted the DHS or SSA, the time for resolving the case expired, or the DHS closed the case without confirming the employee’s employment eligibility for some other reason.¹⁵

If the result is Tentative Nonconfirmation, then the employer must notify the employee, who must take further action to verify his or her eligibility. If the result is E-Verify Needs More Time or Case in Continuance, then the E-Verify system needs more time to process the case.¹⁶

Potential Issues with E-Verify

The E-Verify process is only as accurate as the documentation that is presented to an employer. If an unauthorized worker presents legitimate documents belonging to another authorized individual, the system may approve them.¹⁷ Although the E-Verify system has a small error rate, this may impact a significant number of employers and employees.¹⁸ For 2025, about 97.8 percent of workers were found authorized¹⁹ (about 42.6 million) and 2.17 percent were not found authorized.²⁰ Of the workers found to be not authorized, about 1.57 percent (about 684,000) were unresolved or in process, 0.56 percent (or 242,4000) were uncontested mismatch, and 0.04 percent or (about 18,600) were found not authorized after contested mismatch.

E-Verify Defenses for Employers

According to federal law, an employer using the I-9 Form, establishing good faith compliance with the law, has established an affirmative defense that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.²¹ Further, an employer taking the additional steps to use the E-Verify system to verify employment eligibility may establish a rebuttable presumption that the person or entity has not violated the federal law with respect to such hiring, recruiting, or referring.²² The IRCA provides sanctions to be imposed on employers

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ WoodsRoger, DHS Contradictions on E-Verify Causing Uncertainty for Employers (Aug. 8, 2025), [DHS Contradictions on E-Verify Causing Uncertainty for Employers | Woods Rogers](#) (last visited Feb. 7, 2026).

¹⁸ *Id.* WoodsRoger.

¹⁹ E-Verify, My E-Verify Questions and Answers, (July 11, 2022) [myE-Verify Questions and Answers | E-Verify](#) (last visited Feb. 8, 2026). An individual’s work authorization, or employment eligibility, refers to his or her legal right to work in the United States. U.S. citizens, born or naturalized, are always authorized to work in the United States, while foreign citizens may be authorized if they have an immigration status that allows them to work.

²⁰ E-Verify, E-Verify Performance, [E-Verify Performance | E-Verify](#) (Sept. 9, 2025) (last visited Feb. 8, 2026). Data update lag by one quarter.

²¹ 8 U.S.C. s. 1324a(a)(3).

²² 8 U.S.C. s. 1324a notes, *Pilot Programs for Employment Eligibility Confirmation*.

who knowingly employ aliens who are not authorized to work.²³ Federal law contains no criminal sanction for working without authorization, although document fraud is a civil violation.²⁴ The United States Citizenship and Immigration Services (USCIS) enforces these provisions.²⁵

Florida E-Verify Law

Effective January 1, 2021, in Florida, all public employers and their contractors and subcontractors are required to register and use E-Verify to determine the work authorization status of all newly hired employees.²⁶ Subcontractors must provide an affidavit to their contractor stating that they do not employ, contract with, or subcontract with unauthorized aliens. The contractor must keep a copy of such affidavit for the duration of the contract.²⁷

Since January 1, 2021, in Florida, private employers have been required to use the I-9 Form or E-Verify or a substantially equivalent system to verify that new hires or retained contract employees are authorized to work in the United States.²⁸ If the employer uses the I-9 system, the employer must retain a copy of the documentation for at least 3 years after the individual's initial date of employment.²⁹ The law applies to all private employers and does not appear to specify application based on a minimum amount of employees.

A private employer that complies with the law may not be held civilly or criminally liable under state law for hiring, continuing to employ, or refusing to hire an unauthorized alien if the information obtained indicated that the individual's work authorization status was not that of an unauthorized alien. Further, using either the I-9 Form or E-Verify creates a rebuttable presumption that the private employer did not knowingly employ an unauthorized alien.³⁰

A person may not knowingly employ, hire, recruit, or refer an alien for private or public employment within the state if the alien is not authorized to work under "the immigration laws" or by the United States Attorney General.³¹ A first offense of this prohibition is a noncriminal violation punishable by a fine of up to \$500, regardless of the number of aliens with respect to which the violation occurred; each subsequent offense is a second degree misdemeanor,

²³ 8 U.S.C. s. 1324a(a)(1)-(2).

²⁴ 8 U.S.C. s. 1324c.

²⁵ 8 U.S.C. s. 1324a.

²⁶ Section 448.095(2), F.S. This section was enacted in 2020. Previously, pursuant to Executive Order 11-116, state agencies under the direction of the Governor were required to use E-Verify for all newly hired employees. The order also required an agency to include a provision in contracts to require a contractor (and any subcontractors) to use E-Verify for all new hires for the duration of the contract. State of Florida, Office of the Governor, *Executive Order No. 11-116*, May 27, 2011, <http://edocs.dlis.state.fl.us/fldocs/governor/orders/2011/11-116-suspend.pdf> (last visited Feb. 8, 2026).

²⁷ Section 448.095(2)(b), F.S.

²⁸ Section 448.095(3), F.S., provides that a private employer does not include a public employer, an employee leasing company that has a written agreement or understanding with its client company that places the primary obligation for compliance with this section upon the client company; or an occupant or owner of a private residence that hires casual labor or a licensed independent contractor.

²⁹ Section 448.095(3), F.S.

³⁰ *Id.*

³¹ Section 448.09(1), F.S.

punishable by up to 60 days in jail and a fine not to exceed \$500, with each unauthorized alien employed as a separate violation.³²

The FDLE, the Attorney General, a state attorney, or the statewide prosecutor is authorized to request documentation from a private employer used to verify an individual's employment eligibility. Ultimately, the federal government's determination of verification of an individual's employment status stands and one of the authorized state agencies may not make an independent determination as to whether a person is an unauthorized alien.³³

A private employer that does not use the I-9 Form or E-Verify, or does not maintain the I-9 Form documentation for three years, will be required by the DEO to provide an affidavit stating that the private employer will comply with the law, has terminated the employment of all unauthorized aliens in this state, and will not intentionally or knowingly employ an unauthorized alien in this state.³⁴

If the private employer does not provide the required affidavit within 30 days after the request by the DEO, the appropriate licensing agency³⁵ must suspend all applicable licenses held by the private employer until the private employer provides the DEO with the required affidavit. If a private employer does not provide the required affidavit within the required time period three times within any 36-month period, then the appropriate licensing agency must revoke all applicable licenses held by the private employer. The licenses subject to suspension or revocation are:

- All licenses that are held by the private employer specific to the business location where the unauthorized alien performed work.
- If the private employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the private employer's business in general, then the provision applies to all licenses that are held by the private employer at the private employer's primary place of business.³⁶

E-Verify in Other States

Currently, 22 states require the use of E-Verify for at least some public and/or private employers. These states include Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia and West Virginia.³⁷

³² Section 448.09(2), F.S. *See ss. 775.082 and 775.083, F.S.*

³³ Section 448.095(3), F.S.

³⁴ *Id.*

³⁵ The term "agency" means any agency, department, board, or commission of this state or a county or municipality in this state that issues a license to operate a business in this state.

³⁶ *Id.*

³⁷ National Conference of State Legislatures, State E-Verify Action, <https://www.ncsl.org/immigration/state-e-verify-action> (last visited Feb. 2, 2026).

The following states require private employers, as well as public employers and their contractors and subcontractors, to use E-Verify: Louisiana, North Carolina, Mississippi, Georgia, Arizona, Alabama, Utah, and South Carolina.³⁸

Some states' approaches do not fall squarely into the above categories. For example, Tennessee requires only private employers that have 50 or more employees to use E-Verify.³⁹ Pennsylvania requires public contractors and private *construction* employers to use E-Verify.⁴⁰ In Michigan, only contractors of the Michigan Department of Transportation must use E-Verify.⁴¹ Finally, West Virginia requires contractors whose employees work on the Capitol grounds to use E-Verify.⁴²

Driver Licenses

Current law prohibits a person from driving any motor vehicle upon a Florida highway unless such person has a valid driver license issued under ch. 322, F.S.⁴³ However, an individual is exempt from obtaining a Florida driver license if he or she is a nonresident who is:⁴⁴

- At least 16 years of age and possesses a valid noncommercial driver license issued to him or her in his or her home state or country and operating a type of motor vehicle for which a Class E driver license is required in this state.
- At least 18 years of age and possesses a valid noncommercial driver license issued to him or her in his or her home state or country and operating a motor vehicle, other than a commercial motor vehicle, in this state.

Current law establishes requirements governing the issuance of driver licenses by the Department of Highway Safety and Motor Vehicles (DHSMV).⁴⁵ An applicant for a driver license or identification card is required to provide his or her SSN for the purpose of identification. This information is electronically verified with the federal Social Security Administration to confirm identity, as required by the Real ID Act of 2005. Applicants are required to provide proof of identity that is satisfactory to the DHSMV. The following documents constitute acceptable proof of identification:⁴⁶

- A certified copy of a United States birth certificate;
- A valid, unexpired passport or passport card;
- A Certificate of Naturalization issued by the DHS;
- A valid, unexpired alien registration receipt card (green card);
- A Consular Report of Birth Abroad; and
- A valid employment authorization card issued by the DHSMV.

³⁸ S.C. Code § 41-8-20 (private employers); 8-14-20 (public employers and contractors).

³⁹ Tenn. Code § 50-1-703.

⁴⁰ 43 Penn. Stat. § 167.3 (public contractors); 43 Penn. Stat. §168.3 (private construction employers).

⁴¹ Act 200, Public Acts of 2012, Sec. 381.

⁴² W. Va. Code, § 15-2D-3.

⁴³ See s. 322.03, F.S.

⁴⁴ S. 322.04(1)(c) and (d), F.S.

⁴⁵ See s. 322.08, F.S.

⁴⁶ S. 322.08(2)(c), F.S.

DHSMV is authorized to require an applicant for an original driver license to produce certain DHS or foreign documents to prove nonimmigrant classification for the sole purpose of establishing continuous lawful presence in the United States.⁴⁷

DHSMV is authorized to waive the Class E knowledge (written) and skills requirements if an applicant for an original driver license presents a valid driver license from another state, province of Canada, or the United States Armed Forces when applying for a Florida driver license of equal or lesser classification.⁴⁸

Section 322.033, F.S., sets out provisions regarding driver licenses for unauthorized aliens and undocumented immigrants. The section provides legislative intent that all driver licenses or identification cards must meet all minimum security requirements of the REAL ID Act of 2005, Pub. L. No. 109-13, and that a driver license or identification card may not be issued to a person who is an unauthorized alien or undocumented immigrant.

A driver license issued by another state to an unauthorized alien or undocumented immigrant is invalid in Florida and does not authorize the holder to operate a motor vehicle in Florida.⁴⁹ A law enforcement officer or other authorized representative who stops a person driving with such an invalid license and driving without a valid license must issue a citation to the driver for driving without a license in violation of s. 322.03, F.S.⁵⁰ The DHSMV is required to maintain on its website a list of out-of-state classes of driver licenses that are invalid in Florida.⁵¹

Driver License Compact and Reciprocity

The Driver License Compact was created to provide uniformity among member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process. Uniformity helps ease administrative costs and meets the underlying tenet of the agreement that each driver nationwide have only one driver license and one driver control record.

The DHSMV is authorized to enter into reciprocal driver license agreements with other jurisdictions within the United States and its territories and possessions and with foreign countries or political entities equivalent to Florida state government within a foreign country.⁵² Generally, valid driver licenses issued by any state in the United States are valid when visiting another state.⁵³

States Issuing Driver Licenses to Undocumented Immigrants

States issue driver's licenses under the constitutional authority of the 10th Amendment. In 2005, Congress enacted the Real ID Act, creating standards for state-issued driver's licenses, including evidence of lawful status. Currently, the District of Columbia and the following 19 states have

⁴⁷ S. 322.08(2)(c)8., F.S.

⁴⁸ S. 322.12, F.S.

⁴⁹ Section 322.033(2), F.S.

⁵⁰ Section 322.033(3), F.S.

⁵¹ Section 322.033(4), F.S.

⁵² S. 322.02(4), F.S.

⁵³ FindLaw, *Driver's Licenses FAQ*, November 27, 2017, <https://www.findlaw.com/traffic/drivers-license-vehicle-info/driver-s-licenses-faq.html> (last visited Feb. 2, 2026).

enacted laws to allow undocumented immigrants to obtain driver's licenses or identification cards: California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, and Washington.⁵⁴ The states issue a license (driving privilege card) or an identification card if an applicant provides certain documentation, such as a foreign birth certificate, foreign passport, or consular card and evidence of current residency in the state.

Following the Real ID Act, noncompliant cards must have a recognizable feature on their face to distinguish the license from those issued to legal residents. Possession of a Real ID compliant driver license is not federally required for operating a motor vehicle. The DHS cautions against assuming that possession of a noncompliant card indicates that an individual is undocumented. Individuals may choose to obtain a noncompliant card for reasons unrelated to lawful presence in the United States.⁵⁵

Florida's Employment Requirements and Prohibitions

Part I of ch. 448, F.S., relates to general labor regulations. Section 448.095, F.S., of this part, establishes requirements relating to employment eligibility and verification. An employer that is a public agency⁵⁶ must verify each new employee's employment eligibility within three business days after the first day that the new employee begins working for pay as required under 8 C.F.R. s. 274a.⁵⁷ Effective July 1, 2023, private employers with 25 or more employees⁵⁸ in Florida are required to use the E-Verify system to verify employment eligibility of new employees.⁵⁹ Such an employer is required to use the E-Verify system to certify on its first return each calendar year to the tax service provider that it is in compliance when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.⁶⁰ Further, an employer may not continue to employ an unauthorized alien after obtaining knowledge that a person is or has become an unauthorized alien.⁶¹

In addition to the requirements under s. 288.061(6), effective July 1, 2024, if the Department of Commerce (department) determines that an employer failed to use the E-Verify system to verify

⁵⁴ [Top 5 Things to Know About SB 1718, Florida's New Immigration Law](#), Top 5 Things to Know About SB 1718, Florida's New Immigration Law (June 28, 2025).

(last visited Feb. 4, 2026).

⁵⁵ Department of Homeland Security, *Real ID Frequently Asked Questions for the Public*, <https://www.dhs.gov/archive/real-id-public-faqs> (last visited Mar. 21, 2023).

⁵⁶ Section 448.095(1)(d), F.S., defines "public agency" to mean any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, state, county, city, town, village, municipality, or any other separate unit of government created or established pursuant to law, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

⁵⁷ Section 448.095(2)(a), F.S.

⁵⁸ Section 448.095(1)(b), F.S., defines an employee to mean an individual filling a permanent position who performs labor or services under the control or direction of an employer that has the power or right to control and direct the employee in the material details of how the work is to be performed in exchange for salary, wages, or other remuneration. An individual hired for casual labor, as defined in s. 443.036, which is to be performed entirely within a private residence, is not an employee of an occupant or owner of a private residence. An independent contractor, as defined in federal laws or regulations, hired to perform a specified portion of labor or services is not an employee.

⁵⁹ Section 448.095(2)(b), F.S.

⁶⁰ Section 448.095(2)(b)3., F.S.

⁶¹ Section 448.095(2)(e), F.S.

the employment eligibility of employees as required under this section, the department must notify the employer of the department's determination of noncompliance and provide the employer with 30 days to cure the noncompliance.⁶²

If the department determines that an employer failed to use the E-Verify system as required under s. 448.095, F.S., three times in any 24-month period, the department must impose a fine of \$1,000 per day until the employer provides sufficient proof to the department that the noncompliance is cured.⁶³ Noncompliance constitutes grounds for the suspension of all licenses issued by a licensing agency subject to ch. 120, F.S., until the noncompliance is cured.⁶⁴

Section 448.095(4) establishes the following defenses for employers:

- An employer that complies with the E-Verify laws establishes an affirmative defense that the employer has not violated s. 448.09, F.S., which prohibits employment of unauthorized aliens, with respect to such employment.
- An employer that uses the E-Verify system or, if that system is unavailable, the Employment Eligibility Verification form (Form I-9) as provided in paragraph (2)(c), with respect to the employment of an unauthorized alien has established a rebuttable presumption that the employer has not violated s. 448.09 with respect to such employment.

Section 448.09, F.S., provides it is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within this state, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.

If the department finds or is notified by an entity specified in s. 448.095(3)(a), F.S., that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility of such person, the department must enter an order pursuant to ch. 120, F.S., making such determination and require repayment of any economic development incentive pursuant to s. 288.061(6), F.S.

If an employer violates s. 448.09, F.S., the department must place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance with the requirements ss. 448.09(1) and s. 448.095, F.S. Any violation of s. 448.09, F.S., which takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to chapter 120, F.S. The department shall take the following actions for a violation involving:

- One to ten unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 30 days by the respective agencies that issued them.
- Eleven to fifty unauthorized aliens, suspension of all applicable licenses held by a private employer for up to 60 days by the respective agencies that issued them.

⁶² Section 448.095(6), F.S.

⁶³ *Id.*

⁶⁴ *Id.*

- More than fifty unauthorized aliens, revocation of all applicable licenses held by a private employer by the respective agencies that issued them.

Further, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security and who knowingly uses a false identification document or who fraudulently uses an identification document of another person for the purpose of obtaining employment commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Florida Workers' Compensation System

Chapter 440, F.S., governs the administration of the workers' compensation system in Florida. The Division of Workers' Compensation within the Department of Financial Services (DFS) is responsible for providing regulatory oversight of the system. Ch. 440, F.S., is the exclusive remedy for injured employee's remedy for compensable workplace injuries.⁶⁵ Generally, an accidental injury or death arises out of employment if work performed in the course and scope of employment is the major contributing cause of the injury or death.⁶⁶

For work-related injuries sustained by employees,⁶⁷ workers' compensation insurance provides medically necessary remedial treatment, care, and attendance, including medicines, medical supplies, durable medical equipment, and prosthetics.⁶⁸ Further, ch. 440, F.S., provides compensation for disability when the injury causes the employee to miss more than 7 days of work.⁶⁹ Carrier is defined to mean any person or fund authorized under s. 440.38, F.S., to insure under ch. 440, F.S., and includes a self-insurer, and a commercial self-insurance fund authorized under s. 624.462, F.S.

Section 440.11, F.S., provides that the liability of an employer for workers' compensation benefits shall be exclusive and in place of all other liability of such employer to the employee or his or her dependents or to anyone otherwise entitled to recover damages. However, immunity does not apply if the employer has engaged in any intentional act that causes harm.⁷⁰ Another exception is provided in the case an employer fails to secure payment of compensation as required by ch. 440, F.S., in which case an injured employee may elect to claim compensation

⁶⁵ "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment. s. 440.13(1)(d), F.S.

⁶⁶ Section 440.02(36), F.S.

⁶⁷ The workplace injury must be the "major contributing cause" of any resulting injuries and remain the major contributing cause. "Major contributing cause" is the cause which is more than 50% responsible for the injury as compared to all other causes combined for which treatment or benefits are sought. See s. 440.09(1), F.S.

⁶⁸ Section 440.13(2), F.S.

⁶⁹ Section 440.12, F.S.

⁷⁰ Section 440.11(b), F.S.,

under ch. 440, F.S. or maintain an action at law for damages.⁷¹ The Office of Judges of Compensation Claims is responsible for resolving workers' compensation benefit disputes.⁷²

Notice of Injury

Pursuant to s. 440.185, F.S., an employee who suffers an injury arising out of and in the course of employment must notify his or her employer within 30 days after the date of or the initial manifestation of the injury. Further, within seven days after knowledge of the injury or death, the employer must report the injury to the carrier.

Benefits for Unauthorized Aliens

Currently, unauthorized aliens are not precluded from receiving benefits for compensable, work-related injuries under Florida's workers' compensation law. The definition of the term, "employee," includes "any person who receives remuneration from any employer...whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors."⁷³

One major exception to this compensability is the fraud defense. An employee is not entitled to compensation or benefits under ch. 440, F.S., if a judge of compensation claims, administrative law judge, court, or jury convened in this state determines that the employee has knowingly or intentionally engaged in any of the prohibited acts described in s. 440.105, F.S., or any criminal act for the purpose of securing workers' compensation benefits.⁷⁴ A person violating any provision of s. 440.105(4), F.S., commits insurance fraud. Section 440.105(4)(b)9., F.S., provides it is unlawful for any person:

To knowingly present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of identity for the purpose of obtaining employment or filing or supporting a claim for workers' compensation benefits.

Section 440.105(3)(b), F.S., provides that it is a first-degree misdemeanor for an employer to commit the following act:

It shall be unlawful for any employer to knowingly participate in the creation of the employment relationship in which the employee has used any false, fraudulent, or misleading oral or written statement as evidence of identity.

In *Gene's Harvesting v. Rodriguez*, the First District Court of Appeal found that the workers' compensation law did not exclude from coverage workers not lawfully immigrated so that an alien was entitled to workers' compensation benefits for a work-related injury even though he or she was not authorized to be in the country.⁷⁵ In 1989, the Florida Supreme Court struck down a provision in the law that had limited death benefits for nonresident alien beneficiaries of

⁷¹ Section 440.11(1), F.S. Employers who fail to obtain required workers' compensation coverage may be sued by an injured worker in civil court. Likewise, an employee who is either exempt or excluded from workers' compensation coverage requirements may sue their employer in civil court for work-related injuries, even if the employer has coverage for their other employees.

⁷² Section 440.192, F.S.

⁷³ Section 440.02(15)(a), F.S.

⁷⁴ Section 440.09(4)(a), F.S.

⁷⁵ See *Gene's Harvesting v. Rodriguez*, 421 So.2d 701 (Fla. 1st DCA 1982). See also, *Cenvill Development Corp. v. Candelo*, 478 So.2d 1168 (Fla. 1st DCA 1985).

deceased workers who were not residents of Canada to \$1,000, rather than the \$100,000 otherwise available, as violative of both Federal and state equal protection provisions.⁷⁶

In *Matrix Employee Leasing v. Hernandez*,⁷⁷ the court concluded it was “clear that claimant violated s. 440.105(4)(b)(9), by procuring work with a false social security card.” However, the First District Court concluded that this violation did not preclude entitlement to workers' compensation benefits by Hernandez. The record contains no evidence that the claimant violated s. 440.105(4)(b)9, F.S., for the purpose of securing workers' compensation benefits.

In 2011, the District Court of Appeals heard a case involving an injured worker who was an unauthorized alien. The Judge of Compensation Claims (JCC) found that the employer knew or should have known that a claimant, an unauthorized immigrant from Mexico, was without the legal right to work in the United States. The JCC further found that, notwithstanding this knowledge, the employer hired and continued to unlawfully employ claimant, until he was injured in a significant workplace accident. After claimant suffered injury, the employer and its workers' compensation carrier attempted to assert, as a defensive matter, claimant's unauthorized status to defeat a claim for permanent total disability (PTD) benefits. The Court noted the employer could have avoided the entirety of the loss by refraining from knowingly hiring illegal labor.⁷⁸

In *State of Florida v. Brock*,⁷⁹ the defendant applied for a job but used a social security number that was not issued to him. He did not file a workers' compensation claim, but was charged with one count of fraud under s. 440.104(4)(b)(9), F.S. The circuit court dismissed the charges against the defendant on the grounds that ch. 440, F.S., is an insurance coverage and regulation statute. In April 2014, the Fourth District Court of Appeals reversed the trial court's dismissal, and opined that s. 440.105(4)(b)9, F.S., makes it a crime to “present . . . any false, fraudulent, or misleading oral or written statement to any person as evidence of identity for the purpose of obtaining employment . . .” Further, the fact that this clause is followed by the word “or” is important as it indicates the statute may be violated in more than one way: by presenting false or fraudulent documents for the purpose of obtaining employment or providing the false or fraudulent documents to file or support a workers' compensation claim.⁸⁰

The Office of Insurance Regulation

Florida's Office of Insurance Regulation (OIR)⁸¹ is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates,⁸² policy forms, market

⁷⁶ *De Ayala v. Florida Farm Bureau Casualty Insurance Co.*, 543 So.2d 204 (Fla. 1989).

⁷⁷ *Matrix Employee Leasing v. Hernandez* 975 So. 2d 612 (Fla. 2008).

⁷⁸ *HDV Const. Systems, Inc. v. Aragon*, 66 So.3d 331 (1st Dist. 2011).

⁷⁹ *State of Florida v. Brock*, 39 Fla. L. Weekly D907 (4th DCA April 30, 2014). On December 30, 2014, the Florida Supreme court declined to accept jurisdiction and ordered that the petition for review denied.

⁸⁰ *Id.*

⁸¹ The OIR is an office under the Financial Services Commission (commission), which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Section 20.121(3), F.S., provides that the commission is the agency head for purposes of rulemaking. The commission is not subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters. Section 20.121(3), F.S.

⁸² Pursuant to s. 627.062(1), F.S., rates may not be excessive, inadequate, or unfairly discriminatory.

conduct, claims, solvency, administrative supervision, as provided under the Florida Insurance Code (code).⁸³

Florida's Financial Responsibility Law

The Florida's financial responsibility law requires drivers of motor vehicles with four or more wheels to purchase both personal injury protection (PIP) and property damage liability (PD) insurance.⁸⁴ Personal injury protection (PIP) insurance compensates insureds injured in accidents regardless of fault.⁸⁵ The intent of no-fault insurance is to provide prompt medical treatment without regard to fault.⁸⁶ This coverage also provides policyholders with immunity from liability for economic damages up to the policy limits and limits tort suits for non-economic damages (pain and suffering) below a specified injury threshold.⁸⁷

In Florida, PIP must provide a minimum benefit of \$10,000 for bodily injury to any one person who sustains an emergency medical condition, which is reduced to a \$2,500 limit for medical benefits if a treating medical provider does not determine an emergency medical condition existed.⁸⁸ PIP coverage provides reimbursement for 80 percent of reasonable medical expenses,⁸⁹ 60 percent of loss of income,⁹⁰ and 100 percent of replacement services,⁹¹ for bodily injury sustained in a motor vehicle accident, without regard to fault. A \$5,000 death benefit is also provided.⁹² The property damage liability coverage must provide a \$10,000 minimum benefit.

Office of Financial Regulation

The Florida Office of Financial Regulation (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.⁹³ The OFR has three divisions: the Division of Consumer Finance, the Division of Financial Institutions (DFI), and the Division of Securities.

Regulation of Money Services Businesses

The Division of Consumer Finance licenses and regulates various aspects of the non-depository financial services industries, including money services businesses (MSBs) regulated under ch. 560, F.S. Money transmitters and payment instrument sellers are two types of MSBs, and both are regulated under part II of ch. 560, F.S. A money transmitter receives currency, monetary value, a payment instrument,⁹⁴ or virtual currency for the purpose of transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or

⁸³ Section 20.121(3)(a)1., F.S.

⁸⁴ See ss. 324.022, F.S. and 627.733, F.S.

⁸⁵ Section 627.733, F.S.

⁸⁶ See s. 627.731, F.S.

⁸⁷ Section 627.737, F.S.

⁸⁸ Section 627.736(1), F.S.

⁸⁹ Section 627.736(1)(a), F.S.

⁹⁰ Section 627.736(1)(b), F.S.

⁹¹ *Id.*

⁹² Section 627.736(1)(c), F.S.

⁹³ Section 20.121(3)(a)2., F.S.

⁹⁴ Section 560.103(29), F.S.

through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country.⁹⁵ The term includes only an intermediary that has the ability to unilaterally execute or indefinitely prevent a transaction. s. 560.103(24), F.S. A payment instrument seller sells, issues, provides, or delivers a payment instrument.⁹⁶ State and federally chartered depository institutions, such as banks and credit unions, are exempt from licensure as an MSB.⁹⁷

As of January 2026, there were a total of 314 money transmitters licensed by OFR. In the fiscal year 2024-2025, money transmitters reported over 135 million foreign outbound transmissions. According to quarterly reports filed by money transmitters for fiscal year 2024-25, 111 of the 314 money transmitters reported transmissions to countries other than the United States. Presently, chapter 560, F.S., does not require money transmitters to verify that a sender of a foreign remittance transfer, as that term is defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, is not an “unauthorized alien,” as that term is defined in s. 908.111, F.S.⁹⁸

For each money transmission of less than \$3,000, a money transmitter is required to maintain, among other things, records of the sender’s name, the transaction amount, and the transaction date. However, a money transmitter is not required to maintain records of the date or birth or address of the sender. For each money transmission in the amount of \$3,000 or more, a money transmitter is required to maintain, among other things, records of the sender’s name, the sender’s address, the transaction amount, and the transaction date. However, a money transmitter is not required to maintain records of the sender’s date or birth.

For payment instruments exceeding \$1,000, a customer is required to present personal identification to enter into a transaction with a check casher. The check casher must maintain a copy of the personal identification. Acceptable forms of personal identification include a valid driver’s license; state identification card issued by any U.S. state or its territories or the District of Columbia, showing a photograph and signature; a United States Government Resident Alien Identification Card; a passport; or a United States Military Identification card. A check casher is required to maintain a customer file on all customers who cash corporate payment instruments that exceed \$1,000.

While MSBs are generally subject to federal anti-money laundering laws,⁹⁹ Florida law contains many of the same anti-money laundering reporting requirements and recordkeeping requirements with the added benefit of state enforcement. An MSB applicant must have an anti-money laundering program that meets the requirements of federal law.¹⁰⁰ Pursuant to the Florida Control of Money Laundering in Money Services Business Act, an MSB must maintain certain records of each transaction involving currency or payment instruments in order to deter the use of a

⁹⁵ Section 560.103(24), F.S.

⁹⁶ Section 560.103(29),(30) and (34), F.S.

⁹⁷ Section 560.104, F.S.

⁹⁸ The term “unauthorized alien” means a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term shall be interpreted consistently with any applicable federal statutes, rules, or regulations. s. 908.111(1)(d), F.S.

⁹⁹ 31 C.F.R. pt. 1022.

¹⁰⁰ Section 560.1401, F.S.

money services business to conceal proceeds from criminal activity and to ensure the availability of such records for criminal, tax, or regulatory investigations or proceedings.¹⁰¹

An MSB must keep records of each transaction occurring in this state that it knows to involve currency or other payment instruments having a greater value than \$10,000; to involve the proceeds of specified unlawful activity; or to be designed to evade the reporting requirements of ch. 896, F.S., or the Florida Control of Money Laundering in Money Services Business Act.¹⁰² OFR may take administrative action against an MSB for failure to maintain or produce documents required by ch. 560, F.S., or federal anti-money laundering laws.¹⁰³

Money transmitters who violate chapter 560, F.S., are subject to disciplinary action pursuant to section 560.114, F.S., which includes but not limited to, the imposition of administrative fines, license revocation, and/or license suspension. License revocations, license suspensions, and the imposition of administrative fines are effectuated through the issuance of an administrative complaint, as required by chapter 120, F.S. Licensees are subject to examination every five years, must retain records for a period of five years, and must make requested records available to OFR for examination and investigation within three business days after receipt of a written request. OFR may also take administrative action against an MSB for other violations of federal anti-money laundering laws such as failure to file suspicious activity reports.¹⁰⁴

Regulation of Financial Institutions

The Division of Financial Institutions is responsible for oversight of state-chartered financial institutions. Florida law defines the term “financial institution” broadly; the term includes “state and federal savings or thrift associations, banks, savings banks, trust companies, international bank agencies, international banking corporations, international branches, international representative offices, international administrative offices, international trust entities, international trust company representative offices, qualified limited service affiliates, credit unions, agreement corporations operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. and Edge Act corporations organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.”¹⁰⁵

Banks and credit unions in the United States are chartered and regulated under a dual regulatory system. These depository institutions may elect to have a national charter and a federal primary regulator, or they may choose to be chartered and regulated by the state in which they are headquartered. OFR’s DFI provides general supervision over all Florida-chartered financial institutions, along with their subsidiaries and service corporations.¹⁰⁶ DFI is tasked with the administration of the financial institutions codes,¹⁰⁷ which apply to all Florida state-authorized or state-chartered financial institutions and to the enforcement of all laws relating to Florida state-authorized or state-chartered financial institutions.¹⁰⁸

¹⁰¹ Section 560.123, F.S.

¹⁰² *Id.*

¹⁰³ Section 560.114, F.S.

¹⁰⁴ *Id.*

¹⁰⁵ Section 655.005(1)(i), F.S.

¹⁰⁶ Section 655.012(1), F.S.

¹⁰⁷ Sections 655.001(1) and 655.012(1), F.S.

¹⁰⁸ *Id.*

As a result of the dual regulatory system, the OFR does not have absolute regulatory authority over every financial institution operating in Florida. Florida-chartered depository institutions (banks and credit unions) are chartered by the OFR, but are additionally required to obtain deposit insurance,¹⁰⁹ and thus are also subject to examination and regulation by federal regulatory authorities. While the Federal Reserve serves as the primary federal regulator of a state bank which has elected to become a member bank of the Federal Reserve System,¹¹⁰ the FDIC remains the primary federal regulator for non-member state-banks and remains authorized to make special examination of any insured bank when necessary. Likewise, state-chartered credit unions are subject to examination and regulation by the National Credit Union Administration (NCUA).¹¹¹

National banks are chartered pursuant to the National Bank Act and supervised by the Office of the Comptroller of the Currency (OCC).¹¹² National banks are required to be members of the Federal Reserve System; state banks may apply for membership.¹¹³ The Federal Reserve system is the primary federal regulator of state member banks, and also serves as the primary regulator of bank holding companies and financial holding companies.¹¹⁴ Federally-chartered credit unions are chartered and supervised by the National Credit Union Administration.¹¹⁵ Both state- and federally-chartered credit unions must obtain insurance of their accounts and are subject to examination by the NCUA.¹¹⁶

Customer Identification Program. One of the most important means by which financial institutions can hope to avoid criminal exposure to the institution by customers who use the resources of the institution for illicit purposes is to have a clear and concise understanding of the customer practices. A bank must have a written customer identification program¹¹⁷ that is appropriate for its size and type of business and that includes certain minimum requirements. The customer identification procedures (CIP)¹¹⁸ must be incorporated into the bank's BSA/AML¹¹⁹ compliance program,¹²⁰ which is subject to approval by the bank's board of directors.¹²¹

¹⁰⁹ Section 658.38, F.S.

¹¹⁰ 12 U.S.C. s. 248.

¹¹¹ Section 657.033, F.S.; 12 U.S.C. s. 1784.

¹¹² 12 U.S.C. s. 481.

¹¹³ 12 U.S.C. s. 208.3 and 222.

¹¹⁴ 12 U.S.C. s. 248.

¹¹⁵ See 12 U.S.C. s. 1751, et. seq.

¹¹⁶ Section 657.033, F.S.; 12 U.S.C. s. 1784.

¹¹⁷ See 12 CFR 208.63(b)(2), 211.5(m)(2), and 211.24(j)(2) (Federal Reserve); 12 CFR 326.8(b)(2) (FDIC); 12 CFR 2 12 12 CFR 748.2(b)(2) (NCUA); 12 CFR 21.21(c)(2) (OCC); and 31 CFR 1020.220 (FinCEN).

¹¹⁸ FFIEC BSA/AML Examination Manual, Customer Identification Program (Feb. 2021) [Customer Identification Program](#) (last visited Feb. 6, 2026).

¹¹⁹ Bank Secrecy Act/Anti-money laundering laws and regulations overseen by the Financial Crimes Enforcement Network.

¹²⁰ 12 CFR 208.63(b)(2), 211.5(m)(2), and 211.24(j)(2) (Federal Reserve); 12 CFR 326.8(b)(2) (FDIC); 12 CFR 748.2(b)(2) (NCUA); 12 CFR 21.21(c)(2) (OCC); and 31 CFR 1020.220 (FinCEN).

¹²¹ 12 CFR 208.63(b), 211.5(m), and 211.24(j) (Federal Reserve); 12 CFR 326.8(b) (2) (FDIC); 12 CFR 748.2(b) (NCUA); 12 CFR 21.21 (OCC)

A bank relying on documents to verify a customer's identity must have procedures that set forth the documents that the bank will use.¹²² The CIP rule gives examples of the types of documents that may be used to verify a customer's identity. The rule reflects the federal banking agencies' expectations that, for most customers who are individuals, banks review an unexpired government-issued form of identification evidencing a customer's nationality or residence and bearing a photograph or similar safeguard; examples include a driver's license or passport. However, other forms of identification may be used if they enable the bank to form a reasonable belief that it knows the true identity of the customer. Given the availability of counterfeit and fraudulently obtained documents, a bank is encouraged to review more than a single document to ensure it can form a reasonable belief that it knows the true identity of the customer.

A bank using non-documentary methods to verify a customer's identity must have procedures that set forth the methods the bank uses.¹²³ Non-documentary methods may include contacting a customer; independently verifying the customer's identity through the comparison of information provided by the customer with information obtained from a consumer reporting agency, public database, or other source; checking references with other financial institutions; and obtaining a financial statement.¹²⁴

If the bank uses non-documentary methods to verify a customer's identity, the bank's procedures must address situations in which an individual is unable to present an unexpired government-issued identification document that bears a photograph or similar safeguard; the bank is not familiar with the documents presented; the account is opened without obtaining documents; the customer opens the account without appearing in person at the bank; and where the bank is otherwise presented with circumstances that increase the risk that the bank will be unable to verify the true identity of a customer through documents.¹²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 17.72, F.S., relating to DFS, to prohibit the Department of Financial Services (DFS) from issuing a license or certification to any person who is an unauthorized alien as defined in s. 908.111(1), F.S., to mean a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The section authorizes DFS to adopt rules to establish criteria before issuing any license or certification.

Section 2 amends s. 128.0167, F.S., relating to loans to low-income and moderate-income borrowers financed through a Housing Assistance Loan Trust Fund which utilizes revenues from a discretionary document surtax, to mandate a county must require that a borrower receiving financial assistance must provide proof that the borrower is lawfully present in the United States (U.S.)

Section 3 creates s. 284.52, F.S., to provide that the Division of Risk Management of DFS may approve or deny a claim relating to an unauthorized alien who is a minor. However, the division

¹²² 31 CFR 1020.220(a)(2)(ii)(A).

¹²³ 31 CFR 1020.220(a)(2)(ii)(B).

¹²⁴ 31 CFR 1020.220(a)(2)(ii)(B)(1).

¹²⁵ 31 CFR 1020.220(a)(2)(ii)(B)(2).

may not approve a claim submitted by an unauthorized alien who is an adult or by a person who fails to provide lawful documentation of citizenship to the division pursuant to state and federal law.

Chapter 284, F.S., provides the mechanism through which the state insures its workers and real and personal property. The State Risk Management Trust Fund insures properties which are owned by the state or its agencies, boards, or bureaus against loss from fire, lightning, sinkholes, and hazards customarily insured by extended coverage and loss from the removal of personal property from such properties when endangered by covered perils. The Insurance Risk Management Trust Fund generally covers all departments of the State of Florida and their employees, agents, and volunteers and must provide separate accounts for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, state agency firefighter cancer benefits payable under s. 112.1816(2), and court-awarded attorney fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or for awards by the Public Employees Relations Commission. The chapter also authorizes the procurement of excess insurance coverages.

The provisions of the bill would prohibit the payment of, for example, a liability insurance claim related to an auto accident related to a state-owned vehicle or a state worker if the claim is submitted by an adult unauthorized alien or a person who fails to provide lawful documentation of citizenship to the Division of Risk Management.

Section 4 amends s. 322.53, F.S., relating to commercial motor vehicle licensure, to require all licensing procedures, prelicensing instruction, and licensing testing under this chapter must be conducted in English. The provision also prohibits the use of interpreters, translators, translations, or alternative language accommodations.

Section 5 creates s. 420.56, F.S., relating to down payment assistance, to prohibit state and local governmental entities, the corporation, and private corporations, including nonprofit organizations incorporated under ch. 617, F.S., participating in down payment assistance programs or silent second mortgage assistance programs from providing any form of down payment assistance to a person who is an unauthorized alien. The term, governmental entities, is not defined. The term, local government, is defined in s. 420.503, F.S.

The term, "down payment assistance," includes, but is not limited to, grants to assist a person in the purchase of a residential property which takes the form of a loan or a silent second mortgage.

The term, "silent second mortgage," means a second mortgage used to secure funds for a down payment for a residential property which is not disclosed to the original mortgage lender before closing occurs.

The section provides that if an unauthorized alien is found to have received down payment assistance from any of the entities described above, the unauthorized alien must immediately repay the down payment assistance to the applicable entity or corporation. If the unauthorized alien does not repay the downpayment assistance, the state or local governmental entity, the

corporation, or the private corporation must initiate foreclosure proceedings pursuant to ch. 702, F.S., against the unauthorized alien.

Section 6 amends s. 420.5088, F.S., relating to the Florida Homeownership Assistance Program administered by the Florida Housing Finance Corporation, to revise the purpose of the program, which is to assist low-income and moderate-income persons, to provide that these persons must be lawfully present in the U.S. The section provides that the loans made available pursuant to s. 420.507(23)(a)1. or 2., F.S., and must be limited to persons or families who are lawfully present in the U.S. The corporation is authorized to underwrite and make such loans to persons or families lawfully present in the U.S.

For loans made available pursuant to s. 420.507(23)(a)3., F.S., only persons or families who are lawfully present in the U.S. are eligible.

The loans referred to in s. 420.507(23)(a) are:

1. Subordinated loans to eligible borrowers for down payments or closing costs related to the purchase of the borrower's primary residence.
2. Permanent loans to eligible borrowers related to the purchase of the borrower's primary residence.
3. Subordinated loans to nonprofit sponsors or developers of housing for purchase of property, for construction, or for financing of housing to be offered for sale to eligible borrowers as a primary residence at an affordable price.

Section 7 amends s. 420.5096, F.S., relating to the Florida Hometown Hero Program administered by the Florida Housing Finance Corporation, to provide that the program may only provide financial assistance to a borrower who is lawfully present in the U.S. Under the program, a borrower may receive a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Program loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage.

Section 8 amends s. 440.02(18), F.S., the definition of employee under the Workers' Compensation Law, to require that an employee who is an alien must be authorized for employment pursuant to federal law and an employee includes a lawful or unlawfully employed minor. Current law provides that an employee includes lawfully or unlawfully employed aliens and minors.

Under the bill, an adult worker who is an unauthorized alien will not be covered under the employer's workers' compensation policy. As a result, the injured worker would likely be able to pursue a tort action in civil courts, as workers' compensation would not be the exclusive remedy for the worker's damages. The employer likely will not have insurance coverage and be personally liable if at fault for the injured worker's injuries. The unauthorized alien would also be able to recover pain and suffering damages in a tort action against the employer; lawfully employed injured workers cannot recover such damages under the workers' compensation system which only provides medical benefits, lost wages, and disability benefits.

Section 9 amends s. 440.10(2), F.S., to exempt benefits payable pursuant to s. 440.1001, F.S., (created by Section 10 of the bill) from the requirement that workers' compensation benefits are payable irrespective of fault.

Section 10 creates s. 440.1001, F.S., relating to employer liability for unauthorized aliens, to provide that an employer who knowingly hires or employs an individual who is not authorized to work in the U.S. under federal law is personally and fully liable for all medical and treatment costs and related expenses resulting from an injury sustained by the unauthorized alien during his or her employment. Further, the section prohibits an employer from transferring or shifting such financial responsibility for medical and treatment costs and related expenses resulting from an injury to any third party, including an insurer, a state agency, or any other entity.

An employer that violates this section is subject to the following penalties:

- A fine not to exceed \$50,000 per violation, and such funds must be deposited into the Workers' Compensation Administration Trust Fund.
- Reimbursement of any public funds expended to provide medical care to the unauthorized alien.
- Revocation of the employer's business license, registration, or certification issued by the appropriate licensing authority.

Lastly, the section requires DFS to transfer reported violations of this section to the appropriate licensing authority for enforcement.

Section 11 creates s. 440.1002, F.S., relating to eligibility for purposes of workers' compensation, to require an employer to verify an employee's employment eligibility through the E-Verify system before submitting a claim. If an employer fails to verify an employee's employment eligibility through the E-Verify System, the employer is:

- Ineligible to receive indemnity or medical coverage from the carrier for injuries sustained by the employee.
- Personally liable for all costs, expenses, and benefits that would be compensable under ch. 440, F.S.

The section requires an employer to retain a copy of the documentation provided and verification generated, if applicable, by the E-Verify system for each employee. Further, an employer must provide such documentation or verification to DFS or the carrier upon request.

The DFS is authorized to adopt rules to implement and enforce this section. The section provides that this section may not be construed to bestow any employment rights or legal status on an employee who is verified through the E-Verify system.

Section 12 creates s. 448.09, F.S., which prohibits knowingly hiring, employing, recruiting, or referring for employment unauthorized aliens, to provide:

- For a first violation, if an employer knowingly violates this section, the Department of Commerce (commerce) must suspend for one year all licenses held by the employer which were issued by a licensing agency under ch. 120, F.S., and impose a fine not to exceed \$10,000 per violation.

- For a second violation, commerce must suspend for five years all licenses of the employer, which were issued by a licensing agent under ch. 120, F.S., and impose a fine not to exceed \$100,000 per violation.
- For a third violation, commerce must permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer was a corporation, which were issued by a licensing agency under ch. 120, F.S., and impose a fine not to exceed \$250,000 per violation.
- For an employer who knowingly violates this section and the actions of an unauthorized alien employee results in injuries to another person, the commerce must permanently revoke all licenses held by the employer which were issued by a licensing agent under ch. 120, F.S. and impose a fine not to exceed \$500,000 per violation.
- For an employer who knowingly violates this section and the actions of an unauthorized alien employee result in the death of another person, commerce shall permanently revoke all licenses held by the employer which were issued by a licensing agency under ch. 120, F.S., and impose a fine not to exceed \$500,000 per violation.
- Fines collected pursuant to this section must be deposited into the State Economic Enhancement and Development Trust Fund.
- An employer who knowingly hires more than 50 unauthorized aliens commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, 691 and the department shall permanently revoke all licenses held by the employer personally, as well as any licenses held by the entity if the employer is a corporation, which were issued by a licensing agency under ch. 120, F.S.
- There is created a civil cause of action against an employer who violates this section if such violation results in injuries to or the death of another person.
- A person who is injured or the next of kin, as defined in s. 744.102, of a person who is killed by the actions of an unauthorized alien employee may bring a cause of action against the employer for damages for bodily injury or death.

Section 13 amends s. 448.095, F.S., to add DFS to the list of state agencies authorized to access the E-Verify database.

Sections 14 and 15 amend s. 560.208 and 560.211, F.S., relating to payment instruments and funds transmission under part II of ch. 560, F.S., to prohibit money transmitters from initiating a foreign remittance transfer to a recipient located in a country other than the United States (U.S.), unless the licensee has verified that the sender of the remittance transfer, as that term is defined in the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, is not an unauthorized alien as that term is defined in s. 908.111, F.S. Confirmation of verification must be provided to OFR on a quarterly basis by the 15th of the month following the end of the quarter on forms adopted via commission rule.

The bill provides that licensees who initiate a foreign remittance transfer to a recipient located in a country other than the U.S., without verifying that the sender is not an unauthorized alien, must pay a monetary penalty of 25 percent of the U.S. dollar amount transferred. Monetary penalties must be remitted to OFR on a quarterly basis by the 15th of the month following the end of the quarter and deposited into the Regulatory Trust Fund. The Financial Services Commission is authorized to adopt forms for the purpose of penalty remittance. Licensees who initiate a foreign

remittance transfer in violation of the new provisions, who fail to timely remit the monetary penalty, and who fail to timely provide confirmation of verification to OFR on forms adopted via commission rule may only remedy such violations by payment of the aforementioned 25 percent penalty.

In addition to other records required to be retained under chapter 560, F.S., licensees must retain for a period of 5 years the documentation used to determine whether the sender of a foreign remittance transfer is not an unauthorized alien, and records of monetary penalties paid to OFR, including the date and amount of each foreign remittance transfer; and the name, date of birth, and address of each sender.

Section 16 creates s. 560.2115, F.S., relating to required records audit of licensees engaging in foreign remittance transfers. The OFR is authorized to request at any time, and the licensee must provide, records of documentation used to verify that the sender of a foreign remittance transfer is not an authorized alien, as that term is defined in s. 908.111, F.S.

A person who has a good faith belief that a licensee failed to verify a sender's residency status as required by the bill, may file a complaint with OFR. If the complaint is deemed valid, OFR must notify the licensee of the complaint and direct the licensee to pay a monetary penalty of 25 percent of the U.S. dollar amount transferred. It is unclear whether this directive would run afoul of chapter 120, F.S., which mandates that an agency must provide a clear point of entry (e.g. the issuance of an administrative complaint) for all persons whose substantial interests are affected.

Beginning July 1, 2026, OFR must conduct random quarterly audits of licensees, as part of its five-year examination mandate, to determine compliance with the foreign remittance transfer sender verification requirements. Licensees who fail to produce sender verification records are subject to suspension of all licenses issued by OFR. Currently, OFR examines each licensee every five years.

Section 17 amends s. 560.310, F.S., relating to records of check cashers and foreign currency exchangers. The bill requires a customer to present personal identification for payment instruments that are \$1,000 or more. However, the following personal identification may not be presented and used as identification by a customer:

- A license or identification card issued exclusively to an unauthorized alien or undocumented immigrant.
- A license or identification card that is substantially the same as a license or identification card issued to a U.S. citizen or resident or others lawfully present in the U.S., but which has markings establishing that the license holder did not present proof of his or her lawful presence in the U.S.

The bill requires a check casher to maintain a customer file on all customers who cash corporate payment instruments that are \$1,000 or more. Currently, a check casher is required to maintain a customer file on all customers who cash corporate payment instruments that exceed \$1,000.

Currently, for payment instruments exceeding \$1,000, a customer is required to present certain personal identification, such as a valid driver license, a state identification card issued by any state of the U.S. or its territories or the District of Columbia, and showing a photo identification

and signature, a U.S. government Resident Alien identification card, a passport, or a U.S. military identification card to enter into a transaction with a check casher and the check casher must maintain a copy of the personal identification.

Unauthorized Out-of-State-Drivers; Personal Injury Protection

Section 18 creates s. 627.7408, F.S., to provide for the presumption of fault in motor vehicle accidents involving unauthorized out-of-state drivers. The bill defines an “unauthorized out-of-state driver” to mean a person operating a vehicle who has an invalid out-of-state driver license.

The bill defines an “invalid out-of-state driver license” as a license deemed invalid under s. 322.033, F.S., which deems invalid in this state a driver license that is of a class of licenses issued by another state exclusively to unauthorized aliens or undocumented immigrants who are unable to prove lawful presence in the United States when the licenses are issued, the driver license, or other permit purporting to authorize the holder to operate a motor vehicle on public roadways. Such classes of licenses include licenses that are issued exclusively to unauthorized aliens or undocumented immigrants or licenses that are substantially the same as licenses issued to citizens, residents, or those lawfully present in the United States but have markings establishing that the licenseholder did not exercise the option of providing proof of lawful presence.

The bill provides a rebuttable presumption¹²⁶ that an unauthorized out-of-state driver involved in a motor vehicle accident in Florida is at fault for the accident for purposes of filing an insurance claim, regardless of the unauthorized out-of-state driver’s compliance with other traffic laws at the time of the accident. This presumption does not apply if:

- The other driver involved in the accident is found to have been operating the motor vehicle while under the influence of alcoholic beverages, any chemical substance under s. 877.111, F.S., or any controlled substance under ch. 893, F.S.
- The other driver involved in the motor vehicle accident is determined, by clear and convincing evidence, to be at egregious fault because of, but not limited to, reckless driving in violation of s. 316.192, F.S., leaving the scene of an accident in violation of s. 316.027, F.S., or racing on highways in violation of s. 316.191, F.S.

The presumption may be rebutted by clear and convincing evidence¹²⁷ that the unauthorized out-of-state driver was not at fault based on factors such as witness statements, accident

¹²⁶ In Florida, every rebuttable presumption is either:

- (1) A presumption affecting the burden of producing evidence and requiring the trier of fact to assume the existence of the presumed fact, unless credible evidence sufficient to sustain a finding of the nonexistence of the presumed fact is introduced, in which event, the existence or nonexistence of the presumed fact shall be determined from the evidence without regard to the presumption; or
- (2) A presumption affecting the burden of proof that imposes upon the party against whom it operates the burden of proof concerning the nonexistence of the presumed fact. Section 90.302, F.S.

¹²⁷ Florida Standard Jury Instruction (Civil) 414.3 defines "clear and convincing evidence" as evidence that is precise, explicit, and lacks confusion, producing a firm belief or conviction without hesitation. It is more demanding than the "preponderance of the evidence" (more likely than not) but lower than "beyond a reasonable doubt".

<https://media.floridabar.org> (last visited February 5, 2026).

reconstruction, or video evidence directly related to the circumstances of the motor vehicle accident.

Upon investigation of a motor vehicle accident, a law enforcement officer must verify whether any person involved in the motor vehicle accident is an unauthorized out-of-state driver or has an invalid out-of-state driver license. If a driver is determined to be in violation of s. 322.033, F.S., and he or she does not qualify for an exemption, the law enforcement officer must note the presumption of fault on the Florida Traffic Crash Report, Long Form or short-form crash report, as applicable, and notify the Department of Highway Safety and Motor Vehicles within 48 hours after the accident.

Motor vehicle insurers must apply the presumption in processing claims and may not pay benefits to or settle claims with an unauthorized out-of-state driver. The insurer must report any suspected noncompliance or rebuttal attempts by the unauthorized out-of-state driver to the Office of Insurance Regulation (OIR) within 30 days after the filing of an insurance claim. An insurer that fails to comply with this subsection is subject to administrative penalties under s. 624.4211, F.S. (administrative fines). If an unauthorized out-of-state-driver's insurer is a foreign insurer as defined in s. 624.06(2), F.S., and is not licensed in Florida under ch. 624, F.S., any party aggrieved by the nonenforcement of this section may bring a civil action for injunctive relief and the prevailing party is entitled to reasonable attorney fees and costs.

The bill requires the Department of Highway Safety and Motor Vehicles and OIR to adopt rules to implement this section, including standardized verification forms and procedures for interagency coordination. The section applies to all insurance policies issued or renewed on or after the effective date of the bill and to all motor vehicle accidents occurring on or after the effective date of the bill. The section may not be construed to interfere with or limit a law enforcement officer's authority delegated under a 287(g) agreement with United States Immigration and Customs Enforcement.¹²⁸

Section 19 creates s. 655.98, F.S., relating to prohibited forms of identification for state-chartered financial institutions, to prohibit such institutions from accepting a license or identification card issued exclusively to an unauthorized alien or undocumented immigrant or a license or identification card issued to a U.S. citizen or resident or others lawfully present in the U.S. but which has markings establishing that the license holder did not present proof of his or her lawful presence in the U.S.

Section 20 directs the Division of Law Revision to replace the phrase, "the effective date of this act," wherever it occurs in this act with the date this act becomes a law.

Section 21 provides the bill takes effect upon becoming a law.

¹²⁸ An agreement delegating to state and local law enforcement officers the authority to perform specified immigration officer functions under the direction and oversight of U.S. Immigration and Customs Enforcement. <https://www.ice.gov/identify-and-arrest/287> (last visited February 5, 2026).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Section 3 of the bill provides that the Division of Risk Management of the DFS may approve or deny claims relating to an unauthorized alien who is an alien. However, the section does not provide any guidance or criteria for DFS to make this decision.

The Legislature may not delegate its constitutional duties to another branch of government.¹²⁹ While the Legislature must make fundamental policy decisions, it may delegate the task of implementing that policy to executive agencies with “some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”¹³⁰ Moreover, the Legislature can permit “administration of legislative policy by an agency with the expertise and flexibility to deal with complex and fluid conditions.”¹³¹

Florida courts have found an unlawful delegation of legislative authority in the following instances:

- Where the Legislature allowed the Department of State to “in its discretion allow such a candidate to withdraw...”;¹³² and
- Where the Legislature created a criminal penalty for escape from certain classifications of juvenile detention facilities, but delegated the classification (or determination whether to classify at all) to an agency.¹³³

Sections 9-11 and 18 of SB 1380 substantially revise the terms and conditions for compensability and eligibility of benefits for workers’ compensation insurance and personal injury protection policies, respectively. There is not an express constitutional

¹²⁹ See FLA. CONST. art. II, s. 3.

¹³⁰ Askew v. Cross Key Waterways, 372 So.2d 913, 925 (Fla. 1978).

¹³¹ Microtel, Inc. v. Fla. Public Serv. Comm’n., 464 So.2d 1189, 1191 (Fla. 1991).

¹³² Fla. Dept. of State, Div. of Elections v. Martin, 916 So.2d 763 (Fla. 2005).

¹³³ D.P. v. State, 597 So.2d 952 (Fla. 1st DCA, 1992)(disapproved on other grounds).

prohibition against the retroactive application of a noncriminal statute, if a law impairs the obligations of a contract or a vested right, the law is invalid. The Florida and the United States Constitutions prohibit the state from passing a law impairing contractual obligations.¹³⁴ However, the Legislature may provide that a non-criminal law, including one that affects existing contractual obligations, apply retroactively in certain situations.¹³⁵ In determining whether a law may be applied retroactively, courts first determine whether the law is procedural, remedial, or substantive in nature.¹³⁶ A purely procedural or remedial law may apply retroactively without offending the Constitution, but a substantive law generally may not apply retroactively absent clear legislative intent to the contrary.¹³⁷ However, even where the Legislature has expressly stated that a law will have retroactive application, a court may reject that application if the law impairs a vested right, creates a new obligation, or imposes a new penalty.¹³⁸ Further, where a law is designed to serve a remedial purpose, a court may decide not to apply the law retroactively where doing so “would attach new legal consequences to events completed before its enactment.”¹³⁹

Moreover, both the Florida and United States Constitutions prohibit the taking of life, liberty, or property without due process of law.¹⁴⁰ The right to contract, as long as no fraud or deception is involved and the contract is otherwise legal, is both a liberty and a property right subject to due process protections, and the impairment of contracts may, in certain instances, be viewed as the taking of property without due process.¹⁴¹

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Section 8 provides that an unauthorized alien is not an employee under the state’s workers’ compensation statutes. The result of this is that if the unauthorized alien has workplace injuries that are determined to the fault of the employer, the injured unauthorized alien may be able to recover more in damages than would be recoverable by a lawfully employed worker. Workers’ compensation wage loss benefits are limited to 66

¹³⁴ U.S. Const. art. I, s. 10; Art. I, s. 10, Fla. Const.

¹³⁵ U.S. Const. art. I, ss. 9 and 10; Art. 1, s. 10, Fla. Const.

¹³⁶ A procedural law merely establishes the means and methods for applying or enforcing existing duties or rights. A remedial law confers or changes a remedy, i.e., the means employed in enforcing an existing right or in redressing an injury. A substantive law creates, alters, or impairs existing substantive rights. *Windom v. State*, 656 So. 2d 432 (Fla. 1995); *St. John’s Village I, Ltd. v. Dept. of State*, 497 So. 2d 990 (Fla. 5th DCA 1986); *McMillen v. State Dept. of Revenue*, 74 So. 2d 1234 (Fla. 1st DCA 1999).

¹³⁷ *State Farm Mutual Automobile Ins. Co. v. Laforet*, 658 So. 2d 55 (Fla. 1995).

¹³⁸ *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873 (Fla. 2010)

¹³⁹ *L. Ross, Inc. v. R.W. Roberts Const. Co.*, 481 So. 2d 484 (Fla. 1986).

¹⁴⁰ U.S. Const. amends. V and XIV; Art. I, s. 21, Fla. Const.

¹⁴¹ *Miles v. City of Edgewater Police Dept.*, 190 So. 3d 171 (Fla. 1st DCA 2016); see, e.g., *Griffin v. Sharpe*, 65 So. 2d 751 (Fla. 1953) (finding that a statute removing a specific deed restriction’s expiration date both impaired contracts and constituted a taking of private property without due process).

and 2/3 percent of the employee's average weekly wages. Lost wages could be fully recoverable in a tort action depending on the degree of fault of the employer. Additionally, losses for pain and suffering are recoverable in tort actions, but not under workers' compensation.

The sections of the bill that exclude unauthorized aliens from the workers' compensation may result in increased uncompensated care by medical providers. Many small employers have limited resources and may be unable to pay for goods and services rendered by medical providers.

Sections 14-17, relate to money services businesses (MSBs). MSBs licensed pursuant to ch. 560, F.S., do not have access to any federal database that could determine citizenship status of customers. Implementation of the bill would require the MSBs to perform citizenship verification, maintain records, respond to complaints, and face penalties tied to determinations they are not legally equipped to make. This could result in increased administrative burden, training costs, and legal exposure.

Section 18 prohibits authorized insurers from paying benefits to or settling claims with unauthorized out-of-state drivers. This could subject at-fault drivers in this state that are not unauthorized to significant extracontractual liability and subject their insurers to significant bad faith exposure. The presumptions in this section are rebuttable. Thus, the unauthorized out-of-state driver could recover damages in a civil action. Those actions could be significant and in excess of the at-fault party's insurance coverage. The statute, however, prohibits the insurer of the ultimately at-fault driver from settling with the unauthorized out-of-state driver. Thus, the insurer cannot enter a settlement that protects the financial interest of their insured in this situation. This prohibition also contradicts the insurer's duty to attempt in good faith to settle claims when, under all circumstances, it could and should do so, if acting fairly and honestly toward its insured and with due regard for her or his interests, as required in s. 624.155(1)(b), F.S.

C. Government Sector Impact:

Office of Financial Regulation (OFR).¹⁴² In regard to the changes made to ch. 560, F.S., relating to money services businesses, the OFR would incorporate the random quarterly audit into its existing five-year examination mandate and audit a random sampling of transactions from a random quarter to determine compliance.

The bill's compliance filing provisions will require OFR to modify its current REAL system to account for the storage and processing of additional compliance records. Because of the cost required and timeframe needed to modify the REAL system, OFR would be unable to modify its current REAL system to accommodate such changes. The REAL system is set to become operational in July of 2026, to account for the storage and processing of additional compliance records. Requiring the licensee to retain the forms

¹⁴² Office of Financial Regulation, 2026 Agency Legislative Bill Analysis of SB 1380 (Feb. 2, 2026). On file with Banking and Insurance Committee.

which would be subject to the random sampling as part of the five-year examination and not requiring quarterly submission to the Office would alleviate this impact.

VI. Technical Deficiencies:

Section 3 of the bill creates s. 284.52, F.S., within part III of ch. 284, relating to safety programs, to allow the Division of Risk Management of DFS, to approve or deny a claim relating to an unauthorized alien who is a minor. It is unclear whether this is intended to direct DFS to handle such claims in the same way as it generally handles such claims, or whether some alternate criteria would be used. If the latter, the section does not provide guidelines or criteria for the division to use for approving or denying such claim and does not provide specific rulemaking authority for DFS to implement this section.

Section 3 creates a s. 284.52, F.S., within part III of Ch. 284, F.S., relating to safety programs. However, part II of ch. 284, F.S., relating to state casualty claims, which includes workers' compensation, property damage, general liability, fleet automotive liability, etc., may be a more appropriate placement for this new section.

Sections 10, relating to employer liability for injuries to unauthorized aliens, provides that an employer who knowingly hires an individual who is not authorized to work in the United States under federal law is personally and fully liable for all medical and treatment costs and related expenses resulting from an accident sustained by an unauthorized alien during his or her employment. It is unclear what "related expenses" would include. Sections 440.13 and 440.15, F.S., provide medical and indemnity benefits, respectively, under the workers' compensation law.

Section 11 provides that, if the employer fails to check an employee's status through E-Verify before submitting a claim to a carrier, the employer is ineligible to receive benefits from the carrier. Employees, not employers, are eligible for benefits. The application of Section 11 is unclear and could preclude legally employed workers from receiving workers' compensation benefits if his or her employer fails to verify the injured worker's employment eligibility before submitting a claim for workers' compensation benefits.

Section 16 of the bill, relating to required records of a money transmitter, authorizes a person who has a good faith belief that a licensee failed to verify a sender's residency status as required by the bill, to file a complaint with OFR. If the complaint is deemed valid, OFR must notify the licensee of the complaint and direct the licensee to pay a monetary penalty of 25 percent of the U.S. dollar amount transferred. However, it is unclear whether this process would be consistent with chapter 120, F.S., which mandates that an agency must provide a clear point of entry (e.g. the issuance of an administrative complaint) for all persons whose substantial interests are affected, meaning the agency must issue an administrative complaint and provide the licensee an opportunity to request a hearing.

Section 16 provides that failure of a licensee to comply with subsections (1)-(4) constitutes grounds for the suspension of all licenses held by the licensee which were issued by OFR. Since a licensee is not required to comply with s. 560.2115(1) or (3)(a), F.S., this provision should reference ss. 560.2115(2), (3)(b), and (4), F.S., which require compliance.

Section 17 requires OFR rather than the Financial Services Commission (commission), to adopt rules and forms. The commission is the agency head of OFR for purposes of rulemaking pursuant to s. 20.121(3)(c), F.S.

For lines 828-837, it is unclear what license or identification card is prohibited as proposed in s. 560.310(2)(b). Existing language in s. 560.310(2)(b), F.S., provides a list of acceptable personal identification. Similarly, the bill should provide examples of prohibited license and identification cards. A reference to s. 322.033, F.S., relating to unauthorized aliens and undocumented immigrant invalid out-of-state drivers' licenses would provide greater clarity as to prohibited licenses and identification cards.

Section 18 of the bill requires the Department of Highway Safety and Motor Vehicles and OIR to adopt rules to implement this section, including standardized verification forms and procedures for interagency coordination. However, the Financial Services Commission, and not OIR, serves as the agency head of OIR for purposes of rulemaking pursuant to s. 20.121(3)(c), F.S.

VII. Related Issues:

Section 14 of the bill. Pursuant to section 560.129(2), F.S., information obtained by OFR in the course of an investigation or examination that reveals personal financial information is confidential and exempt from s. 119.07(1), F.S. As the forms required in s. 560.208(7), F.S., may contain personal financial information and are provided to OFR outside the scope of an investigation or examination, it is unclear if the current public records exemption in ch. 560, F.S., would be applicable.

VIII. Statutes Affected:

This bill amends sections 125.0167, 420.5088, 420.5096, 440.02, 440.10, 448.09, 448.095, 560.208, and 560.211 of the Florida Statutes.

This bill creates sections 17.72, 284.52, 322.53, 420.56, 440.1001, 440.1002, 560.2115, 560.310, 627.7408, and 655.98 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Martin

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1 A bill to be entitled
 2 An act relating to unauthorized aliens; creating s.
 3 17.72, F.S.; prohibiting the Department of Financial
 4 Services from issuing a license or certification to
 5 unauthorized aliens; requiring the department to adopt
 6 rules; amending s. 125.0167, F.S.; authorizing a
 7 county to require a borrower to provide proof of being
 8 lawfully present in the United States; creating s.
 9 284.52, F.S.; defining terms; authorizing the Division
 10 of Risk Management to approve or deny claims relating
 11 to a minor who is an unauthorized alien; prohibiting
 12 the division from approving any claim submitted by an
 13 adult who is an unauthorized alien or fails to provide
 14 lawful documentation of citizenship; amending s.
 15 322.53, F.S.; requiring that certain procedures,
 16 instruction, and testing be conducted in English;
 17 prohibiting the use of interpreters, translators,
 18 translations, or alternate language accommodations;
 19 creating s. 420.56, F.S.; defining terms; prohibiting
 20 certain entities and corporations from providing down
 21 payment assistance to unauthorized aliens; requiring
 22 an unauthorized alien to repay such down payment
 23 assistance, if received; authorizing certain entities
 24 and corporations to initiate foreclosure proceedings
 25 under certain circumstances; amending s. 420.5088,
 26 F.S.; providing that the purpose of the Florida
 27 Homeownership Assistance Program is to assist in
 28 purchasing homes certain persons who are lawfully
 29 present in the United States; amending s. 420.5096,

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30 F.S.; providing that the purpose of the Florida
 31 Hometown Hero Program is to assist certain persons who
 32 are lawfully present in the United States; amending s.
 33 440.02, F.S.; revising the definition of the term
 34 "employee"; amending s. 440.10, F.S.; conforming a
 35 provision to changes made by the act; creating s.
 36 440.1001, F.S.; defining the term "unauthorized
 37 alien"; providing that an employer who hires or
 38 employs an unauthorized alien is personally liable for
 39 any medical and treatment costs resulting from an
 40 injury to such person; prohibiting an employer from
 41 transferring or shifting financial responsibility for
 42 such injury to others; providing administrative
 43 penalties; requiring fines collected to be deposited
 44 into the Workers' Compensation Administration Trust
 45 Fund; requiring the department to transfer reported
 46 violations to appropriate licensing authorities;
 47 creating s. 440.1002, F.S.; defining the term "E-
 48 Verify system"; requiring an employer to verify an
 49 employee's employment eligibility before submitting a
 50 workers' compensation claim; requiring employers to
 51 retain and provide to the department upon request
 52 certain documentation and verification; providing
 53 construction; authorizing the department to adopt
 54 rules; amending s. 448.09, F.S.; providing
 55 administrative and criminal penalties for an employer
 56 who knowingly employs, hires, recruits, or refers an
 57 unauthorized alien; requiring fines collected to be
 58 deposited into the State Economic Enhancement and

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59 Development Trust Fund; providing a civil cause of
 60 action; amending s. 448.095, F.S.; authorizing the
 61 department to request certain verification of an
 62 employee's employment eligibility; amending s.
 63 560.208, F.S.; requiring a licensee to verify a
 64 person's citizenship status before initiating a
 65 foreign remittance transfer; defining the term
 66 "foreign remittance transfer"; requiring the Financial
 67 Services Commission to adopt certain rules; requiring
 68 licensees to submit certain forms to the commission
 69 within a specified timeframe; providing an
 70 administrative penalty for a specified violation;
 71 requiring a licensee subject to such penalty to submit
 72 payment to the commission within a specified
 73 timeframe; requiring the commission to deposit
 74 penalties collected into the Regulatory Trust Fund;
 75 providing construction; amending s. 560.211, F.S.;
 76 requiring licensees to make, keep, and preserve
 77 certain documentation used to verify that a sender of
 78 a foreign remittance transfer is not an unauthorized
 79 alien; creating s. 560.2115, F.S.; defining the terms
 80 "foreign remittance transfer" and "unauthorized
 81 alien"; authorizing the Office of Financial Regulation
 82 of the commission to request records of certain
 83 documentation; authorizing a person to file a
 84 complaint with the office; requiring the office to
 85 notify a licensee upon receiving a substantiated
 86 complaint; requiring the office to conduct random
 87 quarterly audits beginning on a specified date;

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88 providing for the suspension of licenses under certain
 89 circumstances; amending s. 560.310, F.S.; prohibiting
 90 the use of certain forms of personal identification
 91 for certain corporate payment instruments; creating s.
 92 627.7408, F.S.; defining the terms "invalid out-of-
 93 state driver license" and "unauthorized out-of-state
 94 driver"; creating a rebuttable presumption of fault
 95 against unauthorized out-of-state drivers involved in
 96 motor vehicle accidents; providing exceptions;
 97 providing for the rebuttal of the presumption upon the
 98 showing of clear and convincing evidence; requiring
 99 law enforcement officers to note the presence of a
 100 presumption on a crash report form and notify the
 101 Department of Highway Safety and Motor Vehicles within
 102 a specified timeframe; requiring insurers to apply the
 103 presumption when processing claims; prohibiting
 104 insurers from paying or settling claims with
 105 unauthorized out-of-state drivers; requiring insurers
 106 to notify the Office of Insurance Regulation within a
 107 specified timeframe under certain circumstances;
 108 providing administrative penalties; authorizing a
 109 private cause of action under certain circumstances;
 110 providing for attorney fees and costs; requiring the
 111 Department of Highway Safety and Motor Vehicles and
 112 the Office of Insurance Regulation to adopt certain
 113 rules; providing applicability and construction;
 114 creating s. 655.98, F.S.; prohibiting a state-
 115 chartered financial institution from accepting certain
 116 forms of personal identification; requiring the Office

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117 of Financial Regulation to adopt certain rules;
 118 providing a directive to the Division of Law Revision;
 119 providing an effective date.

120

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

122

123 Section 1. Section 17.72, Florida Statutes, is created to
 124 read:

125 17.72 Prohibition on licensing and certification of
 126 unauthorized aliens.—

127 (1) The department may not issue a license or certification
 128 to any person who is an unauthorized alien as defined in s.
 129 908.111(1).

130 (2) The department shall adopt rules to establish criteria
 131 for verifying compliance with subsection (1) before issuing any
 132 license or certificate.

133 Section 2. Paragraph (c) of subsection (5) of section
 134 125.0167, Florida Statutes, is amended to read:

135 125.0167 Discretionary surtax on documents; adoption;
 136 application of revenue.—

137 (5)

138 (c) A county may not impose any requirement as a condition
 139 to receiving any financial assistance on a borrower other than
 140 requiring proof that the borrower is lawfully present in the
 141 United States and that the borrower's income does not exceed 140
 142 percent of the area median income. In addition to the income
 143 eligibility requirement, borrowers may only be subject to loan
 144 qualifications of lenders licensed to provide mortgage financing
 145 as to the amount of the loan. A county may not create

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146 requirements that restrict participation by eligible borrowers.
 147 Section 3. Section 284.52, Florida Statutes, is created to
 148 read:

149 284.52 Denial of claims.—

150 (1) As used in this section, the term:

151 (a) "Adult" has the same meaning as in s. 847.001.
 152 (b) "Minor" has the same meaning as in s. 847.001.
 153 (c) "Unauthorized alien" has the same meaning as in s.
 154 908.111.

155 (2) The Division of Risk Management may approve or deny
 156 claims relating to an unauthorized alien who is a minor;
 157 however, the division may not approve a claim submitted by an
 158 unauthorized alien who is an adult or by a person who fails to
 159 provide lawful documentation of citizenship to the division as
 160 required by state and federal law.

161 Section 4. Present subsection (5) of section 322.53,
 162 Florida Statutes, is redesignated as subsection (6), and a new
 163 subsection (5) is added to that section, to read:

164 322.53 License required; exemptions.—

165 (5) All licensing procedures, prelicensing instruction, and
 166 licensing testing under this chapter must be conducted in
 167 English. The use of interpreters, translators, translations, or
 168 alternate language accommodations is prohibited.

169 Section 5. Section 420.56, Florida Statutes, is created to
 170 read:

171 420.56 Down payment assistance for unauthorized aliens
 172 prohibited.—

173 (1) As used in this section, the term:

174 (a) "Down payment assistance" includes, but is not limited

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175 to, grants to assist a person in the purchase of a residential
 176 property which take the form of a loan or a silent second
 177 mortgage.

178 (b) "Silent second mortgage" means a second mortgage used
 179 to secure funds for a down payment for a residential property
 180 which is not disclosed to the original mortgage lender before
 181 closing occurs.

182 (c) "Unauthorized alien" has the same meaning as in s.
 183 908.111.

184 (2) State and local governmental entities, the corporation,
 185 and private corporations, including nonprofit organizations
 186 incorporated under chapter 617, participating in down payment
 187 assistance programs or silent second mortgage programs may not
 188 provide any form of down payment assistance to a person who is
 189 an unauthorized alien.

190 (3) If an unauthorized alien is discovered to have received
 191 down payment assistance from a state or local governmental
 192 entity, the corporation, or a private corporation, the
 193 unauthorized alien must immediately repay the down payment
 194 assistance to the appropriate entity or corporation. If the
 195 unauthorized alien does not repay the down payment assistance,
 196 the state or local governmental entity, the corporation, or the
 197 private corporation must initiate foreclosure proceedings under
 198 chapter 702 against the unauthorized alien.

199 Section 6. Section 420.5088, Florida Statutes, is amended
 200 to read:

201 420.5088 Florida Homeownership Assistance Program. ~~There is~~
 202 ~~created~~ The Florida Homeownership Assistance Program is created
 203 for the purpose of assisting low-income and moderate-income

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204 persons who are lawfully present in the United States in
 205 purchasing a home as their primary residence by reducing the
 206 cost of the home with below-market construction financing, by
 207 reducing the amount of down payment and closing costs paid by
 208 the borrower to a maximum of 5 percent of the purchase price, or
 209 by reducing the monthly payment to an affordable amount for the
 210 borrower purchaser. Loans ~~must shall~~ be made available at an
 211 interest rate that does not exceed 3 percent. The balance of any
 212 loan is due at closing if the property is sold, refinanced,
 213 rented, or transferred, unless otherwise approved by the
 214 corporation.

215 (1) For loans made available pursuant to s.
 216 420.507(23) (a)1. or 2.:

217 (a) The corporation may underwrite and make those mortgage
 218 loans through the program to persons or families who are
 219 lawfully present in the United States and have incomes that do
 220 not exceed 120 percent of the state or local median income,
 221 whichever is greater, adjusted for family size.

222 (b) Loans ~~must shall~~ be made available for the term of the
 223 first mortgage.

224 (c) Loans may not exceed the lesser of 35 percent of the
 225 purchase price of the home or the amount necessary to enable the
 226 borrower purchaser to meet credit underwriting criteria.

227 (2) For loans made pursuant to s. 420.507(23) (a)3.:

228 (a) Availability is limited to nonprofit sponsors or
 229 developers who are selected for program participation pursuant
 230 to this subsection.

231 (b) Preference must be given to community-based
 232 organizations as defined in s. 420.503.

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233 (c) Priority must be given to projects that have received
234 state assistance in funding project predevelopment costs.

235 (d) The benefits of making such loans ~~must shall~~ be
236 contractually provided to the persons or families purchasing
237 homes financed under this subsection.

238 (e) At least 30 percent of the units in a project financed
239 pursuant to this subsection must be sold to persons or families
240 who are lawfully present in the United States and who have
241 incomes that do not exceed 80 percent of the state or local
242 median income, whichever amount is greater, adjusted for family
243 size; and at least another 30 percent of the units in a project
244 financed pursuant to this subsection must be sold to persons or
245 families who are lawfully present in the United States and who
246 have incomes that do not exceed 65 percent of the state or local
247 median income, whichever amount is greater, adjusted for family
248 size.

249 (f) The maximum loan amount may not exceed 33 percent of
250 the total project cost.

251 (g) A person who is lawfully present in the United States
252 and purchases a home in a project financed under this subsection
253 is eligible for a loan authorized by s. 420.507(23)(a)1. or 2.
254 in an aggregate amount not exceeding the construction loan made
255 pursuant to this subsection. The home purchaser must meet all
256 the requirements for loan recipients established pursuant to the
257 applicable loan program.

258 (h) The corporation shall provide, by rule, for the
259 establishment of a review committee composed of corporation
260 staff and shall establish, by rule, a scoring system for
261 evaluating and ranking applications submitted for construction

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262 loans under this subsection, including, but not limited to, the
263 following criteria:

- 264 1. The affordability of the housing proposed to be built.
- 265 2. The direct benefits of the assistance to the persons who
266 will reside in the proposed housing.
- 267 3. The demonstrated capacity of the applicant to carry out
268 the proposal, including the experience of the development team.
- 269 4. The economic feasibility of the proposal.
- 270 5. The extent to which the applicant demonstrates potential
271 cost savings by combining the benefits of different governmental
272 programs and private initiatives, including the local government
273 contributions and local government comprehensive planning and
274 activities that promote affordable housing.
- 275 6. The use of the least amount of program loan funds
276 compared to overall project cost.
- 277 7. The provision of homeownership counseling.
- 278 8. The applicant's agreement to exceed the requirements of
279 paragraph (e).
- 280 9. The commitment of first mortgage financing for the
281 balance of the construction loan and for the permanent loans to
282 the purchasers of the housing.
- 283 10. The applicant's ability to proceed with construction.
- 284 11. The targeting objectives of the corporation which will
285 ensure an equitable distribution of loans between rural and
286 urban areas.
- 287 12. The extent to which the proposal will further the
288 purposes of this program.
- 289 (i) The corporation may reject any and all applications.
- 290 (j) The review committee established by corporation rule

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291 pursuant to this subsection shall make recommendations to the
 292 corporation board regarding program participation under this
 293 subsection. The corporation board shall make the final ranking
 294 for participation based on the scores received in the ranking,
 295 further review of the applications, and the recommendations of
 296 the review committee. The corporation board shall approve or
 297 reject applicants for loans and shall determine the tentative
 298 loan amount available to each program participant. The final
 299 loan amount shall be determined pursuant to rule adopted under
 300 s. 420.507(23) (h).

301 (3) The corporation shall publish a notice of fund
 302 availability in a publication of general circulation throughout
 303 this the state at least 60 days before ~~prior to~~ the anticipated
 304 availability of funds.

305 (4) ~~There is authorized to be established by~~ The
 306 corporation may establish with a qualified public depository
 307 meeting the requirements of chapter 280 the Florida
 308 Homeownership Assistance Fund to be administered by the
 309 corporation according to the provisions of this program. Any
 310 amounts held in the Florida Homeownership Assistance Trust Fund
 311 for such purposes as of January 1, 1998, must be transferred to
 312 the corporation for deposit in the Florida Homeownership
 313 Assistance Fund, whereupon the Florida Homeownership Assistance
 314 Trust Fund must be closed. There shall be deposited in the fund
 315 moneys from the State Housing Trust Fund created by s. 420.0005,
 316 or moneys received from any other source, for the purpose of
 317 this program and all proceeds derived from the use of such
 318 moneys. In addition, all unencumbered funds, loan repayments,
 319 proceeds from the sale of any property, and any other proceeds

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320 that would otherwise accrue pursuant to the activities of the
 321 programs described in this section shall be transferred to this
 322 fund. In addition, all loan repayments, proceeds from the sale
 323 of any property, and any other proceeds that would otherwise
 324 accrue pursuant to the activities conducted under ~~the provisions~~
 325 ~~of~~ the Florida Homeownership Assistance Program shall be
 326 deposited in the fund and may ~~shall~~ not revert to the General
 327 Revenue Fund. Expenditures from the Florida Homeownership
 328 Assistance Fund are ~~shall~~ not be required to be included in the
 329 corporation's budget request or be subject to appropriation by
 330 the Legislature.

331 (5) No more than one-fifth of the funds available in the
 332 Florida Homeownership Assistance Fund may be made available to
 333 provide loan loss insurance reserve funds to facilitate
 334 homeownership for eligible persons.

335 Section 7. Subsections (2) and (3) of section 420.5096,
 336 Florida Statutes, are amended to read:

337 420.5096 Florida Hometown Hero Program.—

338 (2) The Florida Hometown Hero Program is created to assist
 339 Florida's hometown workforce in attaining homeownership by
 340 providing financial assistance to residents to purchase a home
 341 as their primary residence. Under the program, a borrower who is
 342 lawfully present in the United States may apply to the
 343 corporation for a loan to reduce the amount of the down payment
 344 and closing costs paid by the borrower by a minimum of \$10,000
 345 and up to 5 percent of the first mortgage loan, not exceeding
 346 \$35,000. Loans must be made available at a zero percent interest
 347 rate and must be made available for the term of the first
 348 mortgage. The balance of any loan is due at closing if the

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349 property is sold, refinanced, rented, or transferred, unless
350 otherwise approved by the corporation.

351 (3) For loans made available pursuant to s.
352 420.507(23)(a)1. or 2., the corporation may underwrite and make
353 those mortgage loans through the program to persons or families
354 who are lawfully present in the United States and who have
355 household incomes that do not exceed 150 percent of the state
356 median income or local median income, whichever is greater. A
357 borrower must be seeking to purchase a home as a primary
358 residence; must be a first-time homebuyer, ~~and~~ a Florida
359 resident, and lawfully present in the United States; and must be
360 employed full-time by a Florida-based employer. The borrower
361 must provide documentation of full-time employment or full-time
362 status for self-employed individuals. The requirement to be a
363 first-time homebuyer does not apply to a borrower who is an
364 active duty servicemember of a branch of the armed forces or the
365 Florida National Guard, as defined in s. 250.01, or a veteran.

366 Section 8. Subsection (18) of section 440.02, Florida
367 Statutes, is amended to read:

368 440.02 Definitions.—When used in this chapter, unless the
369 context clearly requires otherwise, the following terms shall
370 have the following meanings:

371 (18)(a) "Employee" means any person who receives
372 remuneration from an employer for the performance of any work or
373 service while engaged in any employment under any appointment or
374 contract for hire or apprenticeship, express or implied, oral or
375 written, ~~whether lawfully or unlawfully employed,~~ and includes,
376 ~~but is not limited to,~~ aliens authorized for employment under
377 federal law and lawfully or unlawfully employed minors.

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378 (b) "Employee" includes any person who is an officer of a
379 corporation and who performs services for remuneration for such
380 corporation within this state, whether or not such services are
381 continuous.

382 1. Any officer of a corporation may elect to be exempt from
383 this chapter by filing notice of the election with the
384 department as provided in s. 440.05.

385 2. As to officers of a corporation who are engaged in the
386 construction industry, no more than three officers of a
387 corporation or of any group of affiliated corporations may elect
388 to be exempt from this chapter by filing a notice of the
389 election with the department as provided in s. 440.05. Officers
390 must be shareholders, each owning at least 10 percent of the
391 stock of such corporation and listed as an officer of such
392 corporation with the Division of Corporations of the Department
393 of State, in order to elect exemptions under this chapter. For
394 purposes of this subparagraph, the term "affiliated" means and
395 includes one or more corporations or entities, any one of which
396 is a corporation engaged in the construction industry, under the
397 same or substantially the same control of a group of business
398 entities which are connected or associated so that one entity
399 controls or has the power to control each of the other business
400 entities. The term "affiliated" includes, but is not limited to,
401 the officers, directors, executives, shareholders active in
402 management, employees, and agents of the affiliated corporation.
403 The ownership by one business entity of a controlling interest
404 in another business entity or a pooling of equipment or income
405 among business entities shall be prima facie evidence that one
406 business is affiliated with the other.

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407 3. An officer of a corporation who elects to be exempt from
 408 this chapter by filing a notice of the election with the
 409 department as provided in s. 440.05 is not an employee.

410
 411 Services are presumed to have been rendered to the corporation
 412 if the officer is compensated by other than dividends upon
 413 shares of stock of the corporation which the officer owns.

414 (c) "Employee" includes:

415 1. A sole proprietor or a partner who is not engaged in the
 416 construction industry, devotes full time to the proprietorship
 417 or partnership, and elects to be included in the definition of
 418 employee by filing notice thereof as provided in s. 440.05.

419 2. All persons who are being paid by a construction
 420 contractor as a subcontractor, unless the subcontractor has
 421 validly elected an exemption as permitted by this chapter, or
 422 has otherwise secured the payment of compensation coverage as a
 423 subcontractor, consistent with s. 440.10, for work performed by
 424 or as a subcontractor.

425 3. An independent contractor working or performing services
 426 in the construction industry.

427 4. A sole proprietor who engages in the construction
 428 industry and a partner or partnership that is engaged in the
 429 construction industry.

430 (d) "Employee" does not include:

431 1. An independent contractor who is not engaged in the
 432 construction industry.

433 a. In order to meet the definition of independent
 434 contractor, at least four of the following criteria must be met:

435 (I) The independent contractor maintains a separate

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436 business with his or her own work facility, truck, equipment,
 437 materials, or similar accommodations;

438 (II) The independent contractor holds or has applied for a
 439 federal employer identification number, unless the independent
 440 contractor is a sole proprietor who is not required to obtain a
 441 federal employer identification number under state or federal
 442 regulations;

443 (III) The independent contractor receives compensation for
 444 services rendered or work performed and such compensation is
 445 paid to a business rather than to an individual;

446 (IV) The independent contractor holds one or more bank
 447 accounts in the name of the business entity for purposes of
 448 paying business expenses or other expenses related to services
 449 rendered or work performed for compensation;

450 (V) The independent contractor performs work or is able to
 451 perform work for any entity in addition to or besides the
 452 employer at his or her own election without the necessity of
 453 completing an employment application or process; or

454 (VI) The independent contractor receives compensation for
 455 work or services rendered on a competitive-bid basis or
 456 completion of a task or a set of tasks as defined by a
 457 contractual agreement, unless such contractual agreement
 458 expressly states that an employment relationship exists.

459 b. If four of the criteria listed in sub-subparagraph a. do
 460 not exist, an individual may still be presumed to be an
 461 independent contractor and not an employee based on full
 462 consideration of the nature of the individual situation with
 463 regard to satisfying any of the following conditions:

464 (I) The independent contractor performs or agrees to

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465 perform specific services or work for a specific amount of money
 466 and controls the means of performing the services or work.

467 (II) The independent contractor incurs the principal
 468 expenses related to the service or work that he or she performs
 469 or agrees to perform.

470 (III) The independent contractor is responsible for the
 471 satisfactory completion of the work or services that he or she
 472 performs or agrees to perform.

473 (IV) The independent contractor receives compensation for
 474 work or services performed for a commission or on a per-job
 475 basis and not on any other basis.

476 (V) The independent contractor may realize a profit or
 477 suffer a loss in connection with performing work or services.

478 (VI) The independent contractor has continuing or recurring
 479 business liabilities or obligations.

480 (VII) The success or failure of the independent
 481 contractor's business depends on the relationship of business
 482 receipts to expenditures.

483 c. Notwithstanding anything to the contrary in this
 484 subparagraph, an individual claiming to be an independent
 485 contractor has the burden of proving that he or she is an
 486 independent contractor for purposes of this chapter.

487 2. A real estate licensee, if that person agrees, in
 488 writing, to perform for remuneration solely by way of
 489 commission.

490 3. Bands, orchestras, and musical and theatrical
 491 performers, including disk jockeys, performing in licensed
 492 premises as defined in chapter 562, if a written contract
 493 evidencing an independent contractor relationship is entered

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494 into before the commencement of such entertainment.

495 4. An owner-operator of a motor vehicle who transports
 496 property under a written contract with a motor carrier which
 497 evidences a relationship by which the owner-operator assumes the
 498 responsibility of an employer for the performance of the
 499 contract, if the owner-operator is required to furnish motor
 500 vehicle equipment as identified in the written contract and the
 501 principal costs incidental to the performance of the contract,
 502 including, but not limited to, fuel and repairs, provided a
 503 motor carrier's advance of costs to the owner-operator when a
 504 written contract evidences the owner-operator's obligation to
 505 reimburse such advance shall be treated as the owner-operator
 506 furnishing such cost and the owner-operator is not paid by the
 507 hour or on some other time-measured basis.

508 5. A person whose employment is both casual and not in the
 509 course of the trade, business, profession, or occupation of the
 510 employer.

511 6. A volunteer, except a volunteer worker for the state or
 512 a county, municipality, or other governmental entity. A person
 513 who does not receive monetary remuneration for services is
 514 presumed to be a volunteer unless there is substantial evidence
 515 that a valuable consideration was intended by both employer and
 516 employee. For purposes of this chapter, the term "volunteer"
 517 includes, but is not limited to:

518 a. Persons who serve in private nonprofit agencies and who
 519 receive no compensation other than expenses in an amount less
 520 than or equivalent to the standard mileage and per diem expenses
 521 provided to salaried employees in the same agency or, if such
 522 agency does not have salaried employees who receive mileage and

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523 per diem, then such volunteers who receive no compensation other
 524 than expenses in an amount less than or equivalent to the
 525 customary mileage and per diem paid to salaried workers in the
 526 community as determined by the department; and

527 b. Volunteers participating in federal programs established
 528 under Pub. L. No. 93-113.

529 7. Unless otherwise prohibited by this chapter, any officer
 530 of a corporation who elects to be exempt from this chapter. Such
 531 officer is not an employee for any reason under this chapter
 532 until the notice of revocation of election filed pursuant to s.
 533 440.05 is effective.

534 8. An officer of a corporation that is engaged in the
 535 construction industry who elects to be exempt from the
 536 provisions of this chapter, as otherwise permitted by this
 537 chapter. Such officer is not an employee for any reason until
 538 the notice of revocation of election filed pursuant to s. 440.05
 539 is effective.

540 9. An exercise rider who does not work for a single horse
 541 farm or breeder, and who is compensated for riding on a case-by-
 542 case basis, provided a written contract is entered into prior to
 543 the commencement of such activity which evidences that an
 544 employee/employer relationship does not exist.

545 10. A taxicab, limousine, or other passenger vehicle-for-
 546 hire driver who operates said vehicles pursuant to a written
 547 agreement with a company which provides any dispatch, marketing,
 548 insurance, communications, or other services under which the
 549 driver and any fees or charges paid by the driver to the company
 550 for such services are not conditioned upon, or expressed as a
 551 proportion of, fare revenues.

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552 11. A person who performs services as a sports official for
 553 an entity sponsoring an interscholastic sports event or for a
 554 public entity or private, nonprofit organization that sponsors
 555 an amateur sports event. For purposes of this subparagraph, such
 556 a person is an independent contractor. For purposes of this
 557 subparagraph, the term "sports official" means any person who is
 558 a neutral participant in a sports event, including, but not
 559 limited to, umpires, referees, judges, linespersons,
 560 scorekeepers, or timekeepers. This subparagraph does not apply
 561 to any person employed by a district school board who serves as
 562 a sports official as required by the employing school board or
 563 who serves as a sports official as part of his or her
 564 responsibilities during normal school hours.

565 12. Medicaid-enrolled clients under chapter 393 who are
 566 excluded from the definition of employment under s.
 567 443.1216(4)(d) and served by Adult Day Training Services under
 568 the Home and Community-Based or the Family and Supported Living
 569 Medicaid Waiver program in a sheltered workshop setting licensed
 570 by the United States Department of Labor for the purpose of
 571 training and earning less than the federal hourly minimum wage.

572 13. Medicaid-enrolled clients under chapter 393 who are
 573 excluded from the definition of employment under s.
 574 443.1216(4)(d) and served by Adult Day Training Services under
 575 the Family and Supported Living Medicaid Waiver program in a
 576 sheltered workshop setting licensed by the United States
 577 Department of Labor for the purpose of training and earning less
 578 than the federal hourly minimum wage.

579 14. An unauthorized alien as defined in s. 908.111.
 580 Section 9. Subsection (2) of section 440.10, Florida

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581 Statutes, is amended to read:

582 440.10 Liability for compensation.—

583 (2) Compensation shall be payable irrespective of fault as
584 a cause for the injury, except as provided in ss. 440.09(3) and
585 440.1001 ~~s. 440.09(3)~~.

586 Section 10. Section 440.1001, Florida Statutes, is created
587 to read:

588 440.1001 Employer liability for injuries to unauthorized
589 aliens.—

590 (1) As used in this section, the term “unauthorized alien”
591 has the same meaning as in s. 908.111.

592 (2) An employer who knowingly hires or employs an
593 individual who is not authorized to work in the United States
594 under federal law is personally and fully liable for all medical
595 and treatment costs and related expenses resulting from an
596 injury sustained by the unauthorized alien during his or her
597 employment.

598 (3) An employer may not transfer or otherwise shift
599 financial responsibility for medical and treatment costs and
600 related expenses resulting from an injury to any third party,
601 including an insurance company, a state agency, or any other
602 entity.

603 (4) An employer who violates this section is subject to the
604 following penalties:

605 (a) A fine not to exceed \$50,000 per violation. Fines
606 collected under this paragraph must be deposited into the
607 Workers’ Compensation Administration Trust Fund.

608 (b) Reimbursement of any public funds expended to provide
609 medical care to the unauthorized alien.

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610 (c) Revocation of the employer’s business license,
611 registration, or certification issued by the appropriate
612 licensing authority.

613 (5) The department shall transfer reported violations of
614 this section to the appropriate licensing authority for
615 enforcement.

616 Section 11. Section 440.1002, Florida Statutes, is created
617 to read:

618 440.1002 Employment eligibility for purposes of workers’
619 compensation eligibility.—

620 (1) As used in this section, the term “E-Verify system” has
621 the same meaning as in s. 448.095(1).

622 (2) Before an employer may submit a claim for workers’
623 compensation benefits for an employee, the employer must first
624 verify the employee’s employment eligibility through the E-
625 Verify system.

626 (3) If an employer fails to check an employee’s employment
627 eligibility through the E-Verify system before submitting a
628 claim for workers’ compensation benefits, the employer is:

629 (a) Ineligible to receive indemnity or medical coverage
630 from the employer’s workers’ compensation insurance provider for
631 injuries sustained by that employee.

632 (b) Personally liable for all costs, expenses, and benefits
633 that would have otherwise been covered under this chapter.

634 (4) An employer shall retain a copy of the documentation
635 provided and any verification generated, if applicable, by the
636 E-Verify system for each employee. The employer must provide
637 such documentation or verification to the department or insurer
638 upon request.

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639 (5) This section may not be construed to bestow any
 640 employment rights or legal status on an employee who is verified
 641 through the E-Verify system.

642 (6) The department may adopt rules to implement and enforce
 643 this section.

644 Section 12. Present subsection (5) of section 448.09,
 645 Florida Statutes, is redesignated as subsection (9), new
 646 subsections (4) through (8) are added to that section, and
 647 subsections (3) and (4) of that section are amended, to read:

648 448.09 Unauthorized aliens; employment prohibited.—

649 (3) For an employer who knowingly violates a violation of
 650 this section, the department shall suspend for 1 year all
 651 licenses held by the employer which were issued by a licensing
 652 agency under chapter 120 and impose a fine not to exceed \$10,000
 653 per violation. Fines collected under this subsection must be
 654 deposited into the State Economic Enhancement and Development
 655 Trust Fund.

656 (4) For an employer who knowingly violates this section a
 657 second time, the department shall suspend for 5 years all
 658 licenses held by the employer which were issued by a licensing
 659 agency under chapter 120 and impose a fine not to exceed
 660 \$100,000 per violation. Fines collected under this subsection
 661 must be deposited into the State Economic Enhancement and
 662 Development Trust Fund.

663 (5) For an employer who knowingly violates this section a
 664 third time, the department shall permanently revoke all licenses
 665 held by the employer personally, as well as any licenses held by
 666 the entity if the employer is a corporation, which were issued
 667 by a licensing agency under chapter 120 and impose a fine not to

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668 exceed \$250,000 per violation. Fines collected under this
 669 subsection must be deposited into the State Economic Enhancement
 670 and Development Trust Fund.

671 (6) (a) For an employer who knowingly violates this section
 672 and the actions of an unauthorized alien employee result in
 673 injuries to another person, the department shall suspend for 5
 674 years all licenses held by the employer which were issued by a
 675 licensing agency under chapter 120 and impose a fine not to
 676 exceed \$100,000 per violation.

677 (b) For an employer who knowingly violates this section and
 678 the actions of an unauthorized alien employee result in the
 679 death of another person, the department shall permanently revoke
 680 all licenses held by the employer which were issued by a
 681 licensing agency under chapter 120 and impose a fine not to
 682 exceed \$500,000 per violation.

683 (c) Fines collected under this subsection must be deposited
 684 into the State Economic Enhancement and Development Trust Fund.

685 (d) There is created a civil cause of action against an
 686 employer who violates this section if such violation results in
 687 injuries to or the death of another person.

688 (7) An employer who knowingly hires more than 50
 689 unauthorized aliens commits a felony of the third degree,
 690 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 691 and the department shall permanently revoke all licenses held by
 692 the employer personally, as well as any licenses held by the
 693 entity if the employer is a corporation, which were issued by a
 694 licensing agency under chapter 120.

695 (8) A person who is injured or the next of kin, as defined
 696 in s. 744.102, of a person who is killed by the actions of an

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697 unauthorized alien employee may bring a cause of action under
 698 subsection (6) against the employer for damages for bodily
 699 injury or death place the employer on probation for a 1-year
 700 period and require that the employer report quarterly to the
 701 department to demonstrate compliance with the requirements of
 702 subsection (1) and s. 448.095.

703 ~~(4) Any violation of this section which takes place within~~
 704 ~~24 months after a previous violation constitutes grounds for the~~
 705 ~~suspension or revocation of all licenses issued by a licensing~~
 706 ~~agency subject to chapter 120. The department shall take the~~
 707 ~~following actions for a violation involving:~~

708 ~~(a) One to ten unauthorized aliens, suspension of all~~
 709 ~~applicable licenses held by a private employer for up to 30 days~~
 710 ~~by the respective agencies that issued them.~~

711 ~~(b) Eleven to fifty unauthorized aliens, suspension of all~~
 712 ~~applicable licenses held by a private employer for up to 60 days~~
 713 ~~by the respective agencies that issued them.~~

714 ~~(c) More than fifty unauthorized aliens, revocation of all~~
 715 ~~applicable licenses held by a private employer by the respective~~
 716 ~~agencies that issued them.~~

717 Section 13. Paragraph (a) of subsection (3) of section
 718 448.095, Florida Statutes, is amended to read:

719 448.095 Employment eligibility.—

720 (3) ENFORCEMENT.—

721 (a) For the purpose of enforcement of this section, any of
 722 the following persons or entities may request, and an employer
 723 must provide, copies of any documentation relied upon by the
 724 employer for the verification of a new employee's employment
 725 eligibility:

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726 1. The Department of Law Enforcement;
 727 2. The Attorney General;
 728 3. The state attorney in the circuit in which the new
 729 employee works;
 730 4. The statewide prosecutor;
 731 5. The Department of Financial Services; or
 732 6.5. The Department of Commerce.

733 Section 14. Subsection (7) is added to section 560.208,
 734 Florida Statutes, to read:

735 560.208 Conduct of business.—In addition to the
 736 requirements specified in s. 560.1401, a licensee under this
 737 part:

738 (7) May not initiate a foreign remittance transfer unless
 739 the licensee has verified that the sender is not an unauthorized
 740 alien as defined in s. 908.111.

741 (a) As used in this subsection, the term "foreign
 742 remittance transfer" means a remittance transfer as defined in
 743 the Electronic Fund Transfer Act, 15 U.S.C. s. 1693o-1, as
 744 amended, the recipient of which is located in any country other
 745 than the United States.

746 (b) The commission shall adopt rules relating to acceptable
 747 forms of documentation that a licensee must use to verify that
 748 the sender of a foreign remittance transfer is not an
 749 unauthorized alien. The licensee must provide confirmation of
 750 verification on forms the commission prescribes. All required
 751 forms must be submitted to the office by the 15th of the month
 752 after the close of each calendar quarter.

753 (c) A licensee who initiates a foreign remittance transfer
 754 in violation of this subsection shall pay a penalty equal to 25

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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755 percent of the United States dollar amount transferred,
 756 excluding any fees or charges imposed by the licensee. A
 757 licensee must remit to the office the amount of any penalty
 758 owed, along with any forms prescribed by the office, by the 15th
 759 of the month after the close of each calendar quarter.
 760 Notwithstanding ss. 252.3711 and 560.144, the office shall
 761 deposit in the Regulatory Trust Fund the penalties collected
 762 under this paragraph. Notwithstanding any other provision, the
 763 penalty imposed in this paragraph is the only remedy for a
 764 violation of this subsection and a licensee may not be subject
 765 to any other penalty.

766 Section 15. Present paragraphs (i) and (j) of subsection
 767 (1) of section 560.211, Florida Statutes, are redesignated as
 768 paragraphs (j) and (k), respectively, and a new paragraph (i) is
 769 added to that subsection, to read:

770 560.211 Required records.—

771 (1) In addition to the record retention requirements under
 772 s. 560.1105, each licensee under this part must make, keep, and
 773 preserve the following books, accounts, records, and documents
 774 for 5 years:

775 (i) The documentation used to verify that the sender of a
 776 foreign remittance transfer, as defined in s. 560.208(7)(a), is
 777 not an unauthorized alien, as defined in s. 908.111, and the
 778 penalties paid to the office pursuant to s. 560.208(7)(c),
 779 including the date and amount of each foreign remittance
 780 transfer and the name, date of birth, and address of each
 781 sender.

782 Section 16. Section 560.2115, Florida Statutes, is created
 783 to read:

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784 560.2115 Required records audit.—
 785 (1) As used in this section, the term:
 786 (a) "Foreign remittance transfer" has the same meaning as
 787 in s. 560.208(7)(a).
 788 (b) "Unauthorized alien" has the same meaning as in s.
 789 908.111.
 790 (2) For enforcement purposes, the office may at any time
 791 request, and the licensee must provide, records of documentation
 792 used to verify that the sender of a foreign remittance transfer
 793 is not an unauthorized alien.
 794 (3)(a) A person who has a good faith belief that a licensee
 795 is failing to comply with s. 560.208(7) may file a complaint
 796 with the office.
 797 (b) Upon receipt of a valid complaint of a violation of s.
 798 560.208(7), which is substantiated by evidence, the office must
 799 notify the licensee of the complaint and the substantiating
 800 evidence and the licensee must pay the penalty required under s.
 801 560.208(7)(c).
 802 (4) Beginning July 1, 2026, the office shall conduct random
 803 quarterly audits of licensees to ensure compliance with s.
 804 560.208(7). During an audit, the licensee must produce to the
 805 office records of documentation the licensee used to verify that
 806 each sender of a foreign remittance transfer is not an
 807 unauthorized alien.
 808 (5) Failure to comply with subsections (1)-(4) constitutes
 809 grounds for the suspension of all licenses held by the licensee
 810 which were issued by the office.

811 Section 17. Subsection (2) of section 560.310, Florida
 812 Statutes, is amended to read:

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813 560.310 Records of check cashers and foreign currency
 814 exchangers.—

815 (2) If the payment instrument ~~is exceeds~~ \$1,000 or more,
 816 the following additional information must be maintained or
 817 submitted:

818 (a) Customer files, as prescribed by rule, on all customers
 819 who cash corporate payment instruments that ~~are exceed~~ \$1,000 or
 820 more.

821 (b) A copy of the personal identification that bears a
 822 photograph of the customer used as identification and presented
 823 by the customer. Acceptable personal identification is limited
 824 to a valid driver license; a state identification card issued by
 825 any state of the United States or its territories or the
 826 District of Columbia, and showing a photograph and signature; a
 827 United States Government Resident Alien Identification Card; a
 828 passport; or a United States Military identification card. The
 829 following may not be used as a form of personal identification:

830 1. A license or identification card issued exclusively to
 831 an unauthorized alien or undocumented immigrant.

832 2. A license or identification card that is substantially
 833 the same as a license or identification card issued to a United
 834 States citizen or resident or others lawfully present in the
 835 United States but which has markings establishing that the
 836 licenseholder did not present proof of his or her lawful
 837 presence in the United States.

838 (c) A thumbprint of the customer taken by the licensee when
 839 the payment instrument is presented for negotiation or payment.

840 (d) The office shall, at a minimum, require licensees to
 841 submit the following information to the check cashing database

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842 or electronic log, before entering into each check cashing
 843 transaction for each payment instrument being cashed, in such
 844 format as required by rule:

845 1. Transaction date.

846 2. Payor name as displayed on the payment instrument.

847 3. Payee name as displayed on the payment instrument.

848 4. Conductor name, if different from the payee name.

849 5. Amount of the payment instrument.

850 6. Amount of currency provided.

851 7. Type of payment instrument, which may include personal,
 852 payroll, government, corporate, third-party, or another type of
 853 instrument.

854 8. Amount of the fee charged for cashing of the payment
 855 instrument.

856 9. Branch or location where the payment instrument was
 857 accepted.

858 10. The type of identification and identification number
 859 presented by the payee or conductor.

860 11. Payee's workers' compensation insurance policy number
 861 or exemption certificate number, if the payee is a business.

862 12. Such additional information as required by rule.

863

864 For purposes of this subsection, multiple payment instruments
 865 accepted from any one person on any given day which total \$1,000
 866 or more must be aggregated and reported in the check cashing
 867 database or on the log.

868 Section 18. Section 627.7408, Florida Statutes, is created
 869 to read:

870 627.7408 Presumption of fault in motor vehicle accidents

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871 involving unauthorized out-of-state drivers.-

872 (1) As used in this section, the term:

873 (a) "Invalid out-of-state driver license" means a driver
874 license deemed invalid under s. 322.033.

875 (b) "Unauthorized out-of-state driver" means a person
876 operating a vehicle who has an invalid out-of-state driver
877 license.

878 (2) If an unauthorized out-of-state driver is involved in a
879 motor vehicle accident in this state, there is a rebuttable
880 presumption that the unauthorized-out-of-state driver is at
881 fault for the accident for purposes of filing an insurance
882 claim. This presumption applies regardless of the unauthorized
883 out-of-state driver's compliance with other traffic laws at the
884 time of the motor vehicle accident.

885 (3) The presumption under subsection (2) does not apply in
886 the following circumstances:

887 (a) The other driver involved in the motor vehicle accident
888 is in violation of s. 316.193(1) because he or she is found to
889 have been operating the motor vehicle while under the influence
890 of alcoholic beverages, any chemical substance under s. 877.111,
891 or any controlled substance under chapter 893.

892 (b) The other driver involved in the motor vehicle accident
893 is determined, by clear and convincing evidence, to be at
894 egregious fault because of, but not limited to, reckless driving
895 in violation of s. 316.192, leaving the scene of an accident in
896 violation of s. 316.027, or racing on highways in violation of
897 s. 316.191.

898 (4) The presumption established under subsection (2) may be
899 rebutted by clear and convincing evidence that the unauthorized

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900 out-of-state driver was not at fault based on factors such as
901 witness statements, accident reconstruction, or video evidence
902 directly related to the circumstances of the motor vehicle
903 accident.

904 (5) Upon investigation of a motor vehicle accident, a law
905 enforcement officer, as defined in s. 943.10(1), must verify
906 whether any person involved in the motor vehicle accident is an
907 unauthorized out-of-state driver or has an invalid out-of-state
908 driver license in violation of s. 322.033. If a driver is
909 determined to be in violation of s. 322.033 and he or she does
910 not qualify for an exemption under subsection (3), the law
911 enforcement officer must note the presumption of fault on the
912 Florida Traffic Crash Report, Long Form or short-form crash
913 report under s. 316.066, as applicable, and notify the
914 Department of Highway Safety and Motor Vehicles within 48 hours
915 after the accident.

916 (6) Insurers licensed under chapter 624 must apply the
917 presumption under subsection (2) in processing claims and may
918 not pay benefits to or settle claims with an unauthorized out-
919 of-state driver. Insurers must report any suspected
920 noncompliance or rebuttal attempts by the unauthorized out-of-
921 state driver to the Office of Insurance Regulation within 30
922 days after the filing of an insurance claim. An insurer that
923 fails to comply with this subsection is subject to
924 administrative penalties under s. 624.4211.

925 (7) If an unauthorized out-of-state-driver's insurer is a
926 foreign insurer as defined in s. 624.06(2) and not licensed in
927 this state under chapter 624, any party aggrieved by the
928 nonenforcement of this section may bring a civil action for

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929 injunctive relief and the prevailing party is entitled to
 930 reasonable attorney fees and costs.

931 (8) The Department of Highway Safety and Motor Vehicles and
 932 the Office of Insurance Regulation shall adopt rules to
 933 implement this section, including standardized verification
 934 forms and procedures for interagency coordination.

935 (9) (a) This section applies to all insurance policies
 936 issued or renewed on or after the effective date of this act and
 937 to all motor vehicle accidents occurring on or after the
 938 effective date of this act.

939 (b) This section may not be construed to interfere with or
 940 limit a law enforcement officer's authority delegated under a
 941 287(g) agreement with United States Immigration and Customs
 942 Enforcement.

943 Section 19. Section 655.98, Florida Statutes, is created to
 944 read:

945 655.98 Prohibited forms of identification for state-
 946 chartered financial institutions.-

947 (1) A state-chartered financial institution may not accept
 948 any of the following as a form of identification for the purpose
 949 of opening a deposit account, loan account, or safe deposit box
 950 or to receive any other services from a state-chartered
 951 financial institution:

952 (a) A license or identification card issued exclusively to
 953 an unauthorized alien or undocumented immigrant.

954 (b) A license or identification card that is substantially
 955 the same as a license or identification card issued to a United
 956 States citizen or resident or others lawfully present in the
 957 United States but which has markings establishing that the

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958 licenseholder did not present proof of his or her lawful
 959 presence in the United States.

960 (2) The Office of Financial Regulation shall adopt rules to
 961 ensure compliance with, and to enforce, this section.

962 Section 20. The Division of Law Revision is directed to
 963 replace the phrase "the effective date of this act" wherever it
 964 occurs in this act with the date this act becomes a law.

965 Section 21. This act shall take effect upon becoming a law.

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: SB 1588
 INTRODUCER: Senator Gruters
 SUBJECT: Legal Tender
 DATE: February 11, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	Favorable
2.	_____	_____	AEG	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1588 amends CS/HB 999 (2025) adopted in chapter 2025-100, Laws of Florida, an act relating to legal tender (the “Act”), that recognizes gold and silver as legal tender, expands regulation of financial institutions and money services businesses to regulate gold and silver legal tender, and establishes a regulatory scheme for custodians of gold and silver coin. The Act requires the Department of Financial Services (DFS) and the Office of Financial Regulation (OFR) to adopt rules to implement the Act, and repeals the Act on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

SB 1588 makes the following changes:

- Saves from repeal ch. 2025-100, Laws of Florida.
- Clarifies purity requirements for “gold coin” and “silver coin.”
- Prohibits certain marks on gold or silver coin that indicate a face value, country’s name, or governmental issuance.
- Authorizes certain artistic or decorative designs on the gold or silver coin.
- Limits custodial services to “transactional gold or silver” that is “intended to be capable of electronic transfer.”
- Removes “custodian” from the services offered by a “money transmitter.”
- Limits the money services businesses requirements relating to gold or silver coin to transmissions.
- Requires a licensee to verify insurance coverage in certain circumstances.
- Requires a money transmitter that transmits gold coin or silver coin, rather than a custodian, to be examined at least annually.
- Repeals s. 560.214, F.S., regulating custodian services, and provisions cross-referencing such section.
- Removes the OFR’s obligation to conduct an examination of the custodian’s vault before issuing a license.

- Removes additional licensing requirements for custodians and requires evidence as prescribed by rule for a licensee that transmits gold or silver coin.
- Removes gold and silver from services offered by a “foreign currency exchanger.”

The bill has an indeterminate fiscal impact on the state revenue and expenditures. See Section V., Fiscal Impact.

The bill is effective upon becoming a law.

II. Present Situation:

Legal Tender and Specie under Federal and State Law

Article I, Section 8, Clause 5 of the U.S. Constitution grants Congress the exclusive power to coin money and regulate its value.¹ Under 31 U.S.C. § 5103, only United States coins and currency (including Federal Reserve notes) are recognized as legal tender² for the payment of debts, public charges, taxes, and dues.³ Foreign gold or silver coins are not legal tender for debts under federal law.⁴ Federal law also provides:

“Whoever, except as authorized by law, makes or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for use as current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined under [Title 18] or imprisoned not more than five years, or both.”⁵

While prohibited from coining money, under Article I, Section 10, Clause 1 of the U.S. Constitution, states are expressly authorized to “make gold and silver coin a tender in payment of debts.”⁶ This provision authorizes states to recognize gold and silver coin as legal tender for the payment of debts but prohibits states from creating or issuing their own currencies or recognizing other forms of money as tender.⁷ The U.S. Supreme Court (Court) held that debts

¹ U.S. Const. art. 1. s. 8. Cl. 5.

² The term “legal tender” means “the money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value.” Garner, B. *Definition of Legal Tender*, Black’s Law Dictionary (12th ed. 2024), [LEGAL TENDER | Secondary Sources | FE | Westlaw Edge](#) (last visited Feb. 8, 2026).

³ 31 U.S.C. s. 5103. The Board of Governors of the Federal Reserve System explains that “[t]his statute means that all U.S. money as identified above is a valid and legal offer of payment for debts when tendered to a creditor.” Board of Governors of the Federal Reserve System, *Is It Legal for a Business in the United States to Refuse Cash as a Form of Payment?*, (July 21, 2020) available at: [The Fed - Is it legal for a business in the United States to refuse cash as a form of payment?](#) (last visited Feb. 8, 2026). A business or person may generally refuse legal tender if they do so clearly in advance. *Id.* However, if a debt already exists and does not specify the type of legal tender that must be paid, there may be consequences for refusing to accept legal tender which include, but are not limited to, the debt may be discharged. See *Spurgeon v. Smitha*, 17 N.E. 105, 107 (1888) (holding “where the money is actually produced, and an unconditional offer is made to pay it at once to the creditor, and he refuses to accept it, and asks the debtor to retain it, the sureties are discharged.”).

⁴ 31 U.S.C. s. 5103.

⁵ 18 U.S.C. s. 486.

⁶ U.S. Const. art. 1. s. 10. Cl. 1.

⁷ *Id.*

are an obligation to pay money under contract, including judgments and recognizances, but does not include taxes which are "...impost levied by authority of government on its citizens...and it is not founded on contract or agreement."⁸ However, the Court also held that a state legislature has the authority to "...require the collection of taxes in kind, that is to say, by the delivery to the proper officers of a certain proportion of products, or in gold and silver bullion, or in gold and silver coin..."⁹

Tax Treatment of Specie and Bullion

Federal Taxation

At the federal level, gold and silver coins and bullion are classified as "collectibles" under 26 U.S.C. § 408(m), and gains from their sale are subject to a maximum long-term capital gains tax rate of 28 percent.¹⁰ The Internal Revenue Code defines "collectible" to include any work of art, rug or antique, metal or gem, stamp or coin, alcoholic beverage, or any other tangible personal property specified by the Secretary of Treasury.¹¹ Certain U.S.-minted gold and silver coins are explicitly exempt from being classified as "collectibles."¹²

Florida Taxation

Florida imposes a tax on the sale, use, consumption, or storage of any coin when such coin:

- Is not legal tender;
- If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or
- Is sold, exchanged, or traded at a rate based on its precious metal content.¹³

The tax rate is 6 percent of sale, use, consumption, or storage price. All of the following are exempt from this 6 percent tax:

- Coin or currency that is legal tender of the U.S.¹⁴
- Coins or currency of two nations which are in general circulation and are exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.¹⁵
- Transactions in which the taxable amount represented by the sale exceeds \$500, the entire amount represented by the sale of such coins or currency is exempt from the tax.¹⁶

Florida Law

Last year, the Legislature passed HB 999 (2025), an act relating to legal tender, that was adopted into law in ch. 2025-100, Laws of Florida, (the "Act") which has a delayed implementation date

⁸ *Lane County v. Oregon*, 74 U.S. 71, 72 (1868); *Hager v. Reclamation Dist. No. 108*, 111 U.S. 701, 706-707 (1884).

⁹ *Lane County v. Oregon*, 74 U.S. at 77.

¹⁰ Internal Revenue Service, *Topic no. 49, Capital gains and losses* (January 5, 2026), <https://www.irs.gov/taxtopics/tc409> (last visited Feb. 8, 2026).

¹¹ 26 U.S.C. § 408(m)(2)(A)–(D).

¹² 26 U.S.C. § 408(m)(3)(A).

¹³ Section 212.05(1)(j)1., F.S.

¹⁴ Section 212.05(1)(j)2., F.S.

¹⁵ Section 212.05(1)(j)3., F.S.

¹⁶ Section 212.05(1)(j)4., F.S. (providing that the dealer must maintain proper documentation to identify that portion of the transaction that is exempt).

of July 1, 2026.¹⁷ The laws recognize gold coin¹⁸ and silver coin¹⁹ as legal tender²⁰ for the payment of debts²¹ and contain the following provisions:

- Gold and silver coin are defined as the solid, pure form of gold or silver in various physical forms.²²
- The coin must comply with required, discretionary, and prohibited content.²³
- The use of gold or silver coin for payment is optional.²⁴
- Exempts gold and silver coin recognized as legal tender from sales tax.²⁵
- Governmental entities may recognize such coin as legal tender for payment of taxes, charges, or dues, and may tender such coin for the payment of debts.²⁶

Any governmental entity choosing to accept or tender gold and silver coin may only do so only electronically²⁷ and must contract with a qualified public depository that can act as a custodian of gold and silver coin.²⁸

The Act also established a framework to regulate money services businesses, including custodians²⁹ who safekeep and store such gold and silver coin, and financial institutions that offer products and services in gold or silver.³⁰ The regulation of these entities include:

¹⁷ Chapter 2025-100 s. 19, L.O.F.

¹⁸ Section 215.986(1)(c), F.S., defines “gold coin” as a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 79 consists of at least 99.5 percent purity. The term does not include any goods as defined in s. 672.105(1), such as jewelry, other items of utility, such as picture frames, or collectables.

¹⁹ Section 215.986(1)(f), F.S., defines “silver coin” as a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 47 consists of at least 99.9 percent purity. The term does not mean any goods as defined in s. 672.105(1), F.S., such as jewelry, other items of utility, such as picture frames, or collectables.

²⁰ Section 215.986(1)(e), F.S., defines “legal tender” as a medium of exchange recognized by this state pursuant to s. 10, Art. I, of the United States Constitution as a valid and legal offer of payment for debts when tendered to a creditor that agrees to receive such medium of exchange.

²¹ Section 215.986(2), F.S.

²² Section 215.986(1)(c) and (f), F.S.

²³ Section 215.986(2)(b), F.S.

²⁴ Section 215.986(2)(e), F.S.

²⁵ Section 212.05(1)(j)2., F.S.

²⁶ Section 215.986(3), F.S.

²⁷ *Id.*

²⁸ Section 215.986(3)(b), F.S.

²⁹ Section 560.103(13), F.S., defines “custodian of gold coin or silver coin” or “custodian” as any person or entity providing secure vault facilities to one or more persons for the safekeeping and storage of gold coin or silver coin, the ownership of which is or may be transferred electronically as defined in s. 215.986(1), F.S. The term includes any person who holds gold coin or silver coin for more than 10 days. The term does not include a person who holds gold coin or silver coin for personal use as legal tender.

³⁰ *See* ss. 560.155, 560.214, and 655.97, F.S.

- Custodians of gold and silver coin (vault facilities) must be licensed as money transmitters³¹ and meet additional requirements regarding privately insuring deposits, security, recordkeeping, maintaining separate ledger accounts, and other consumer protections.³²
- Money services businesses that effectuate transactions involving gold or silver coin must meet additional requirements regarding privately insuring deposits, maintaining separate accounts, contracting with a licensed custodian, recordkeeping, and providing consumer disclosures.³³
- Financial institutions are not required to accept deposits of gold and silver coin and do not incur liability for refusing to offer services related to gold and silver coin. A financial institution that does offer such services must comply with the requirements of a custodian or contract with a licensed custodian and meet additional regulatory requirements that are similar to the requirements for money services businesses.³⁴

The Act requires the Department of Financial Services (DFS) and the OFR to adopt rules to implement the act.³⁵ The Act will be repealed on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature after ratification of the implementing rules adopted by the DFS and the OFR.³⁶

Other States' Treatment of Specie and Bullion

Several states have adopted laws to recognize gold and silver as legal tender or to remove various tax barriers to facilitate their use in commerce. These laws vary in scope and effect, ranging from simple tax exemptions to the establishment of state-run bullion depositories.

- Alabama recently passed legislation that recognizes any refined gold or silver bullion, specie, or coin that has been stamped, marked, or imprinted with its weight or purity as legal tender.³⁷
- Arkansas law defines specie, in part, as “coin having gold or silver content” and provides that specie and legal tender consists of specie coin issued by the United States Government or other specie that an Arkansas court rules to be within the state’s authority to make legal tender but does not explicitly provide that gold and silver coin are legal tender.³⁸
- Arizona has removed state capital gains taxes on sales of precious metals. Like Wyoming, Arizona's approach focuses on tax treatment rather than establishing state-operated depositories or payment systems.³⁹ For purposes of reducing gross income with any net loss

³¹ Section 560.205(2), F.S., provides additional licensing requirements for custodians to include evidence of: 1. Insurance against loss for all gold coin or silver coin held in its custody; 2. Custody of the exact quantity and type of asset for all of its customers’ gold coin or silver coin held in its physical custody; and 3. Depository accreditation from an entity approved by the OFR; and a statement of a business plan providing for the safe and sound operation of custodial services pertaining to the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin.

³² Section 560.214, F.S.

³³ Section 560.155, F.S.

³⁴ Section 655.97, F.S.

³⁵ Chapter 2025-100 s. 17, L.O.F.

³⁶ Chapter 2025-100 s. 18, L.O.F.

³⁷ AL SB 130 (2025), available at <https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/SB130-int.pdf> (last visited April 17, 2025).

³⁸ AR Code s. 4-56-106.

³⁹ Ariz. Rev. Stat. § 43-1021. See also *Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of

from the exchange of legal tender, Arizona has defined legal tender to include specie which means coins having precious metal content.⁴⁰

- Colorado recognizes gold and silver issued by the U.S. government as legal tender for the payment of all debts contracted on or after April 5, 1893, between citizens of the state.⁴¹
- Idaho recently passed legislation that provides gold and silver coin and specie minted domestically are legal tender.⁴²
- Louisiana recently declared gold or silver coin, specie, or bullion issued by any state or the United States government as legal tender.⁴³
- Missouri codified the “Constitutional Money Act” that requires electronic specie currency to be accepted as legal tender for the payment of all public debts and authorizes specie legal tender and electronic specie currency to be accepted as payment for all private debts.⁴⁴
- Oklahoma law provides that gold and silver coin issued by the United State government are legal tender.⁴⁵
- Texas has established a state-operated bullion depository, known as the Texas Bullion Depository, to securely store precious metals for individuals, businesses, and governmental entities. The depository provides secure storage and the ability for account holders to deposit and withdraw physical bullion. Texas recently adopted legislation to recognize gold and silver as legal tender for payment of debts but the laws are effective in phases during 2026 and 2027.⁴⁶
- Utah was the first state to recognize U.S.-minted gold and silver coins as legal tender through its Legal Tender Act of 2011. Utah law also provides a tax exemption for capital gains derived from the sale or exchange of gold and silver coins that are recognized as legal tender. In addition, Utah permits private firms to operate accounts backed by physical, precious metals, which allows individuals to conduct transactions denominated in gold and silver.⁴⁷ Utah recently legislation that authorizes the state treasurer to issue a competitive procurement for a precious metals-backed electronic payment platform that would allow state vendors to elect to be paid in gold and silver.⁴⁸

Financial Services by Guidehouse Inc., p. 102 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

⁴⁰ AZ Rev. Stat. s. 43.1021.

⁴¹ CO Rev. Stat. s. 11-61-101.

⁴² Idaho HB 177 (2025), available at <https://legislature.idaho.gov/sessioninfo/2025/legislation/h0177/> (last visited April 17, 2025).

⁴³ LA Rev. Stat. s. 6:341.

⁴⁴ MO Rev. Stat. s. 408.010 (providing that “electronic specie currency” is a representation of actual gold and silver, specie, and bullion held in an account, which may be transferred by electronic instruction. Such representation shall reflect the exact unit of physical specie or gold and silver bullion in the account in its fractional troy ounce measurement as provided in this section).

⁴⁵ 62 OK Stat. s. 4500.

⁴⁶ Tex. Gov’t Code § 2116; S.B. 483 (2015); H.B. 1056 (2025). See also *Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 116 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

⁴⁷ Utah Code §§ 59-1-1501 et seq.; H.B. 317 (2011). See also *Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 122 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

⁴⁸ Utah HB 306 (2025), available at <https://le.utah.gov/~2025/bills/static/HB0306.html> (last visited April 17, 2025).

- Wyoming enacted legislation in 2018 declaring gold and silver legal tender and exempting the sale of these metals from state sales and use taxes. Wyoming law also prohibits the treatment of specie as taxable tangible personal property, effectively removing several barriers to the private holding and use of gold and silver for commerce.⁴⁹

Other states, such as Kansas and Indiana, have adopted various forms of tax exemptions related to the sale or exchange of gold and silver bullion, though these laws do not necessarily recognize precious metals as legal tender or create infrastructure to support their use as a medium of exchange.⁵⁰ Some states have legislation pending that would recognize gold and silver as legal tender, such as Tennessee,⁵¹ South Carolina,⁵² and West Virginia.⁵³

While these states have taken steps to encourage the use of gold and silver by removing tax barriers and recognizing their status as lawful money in specific contexts, no state currently operates a fully integrated, government-supported electronic payment system backed by physical precious metals that are recognized for payment of all state taxes, fees, or other obligations. Most existing laws focus on facilitating private holding and exchange of gold and silver, and on removing disincentives such as sales and capital gains taxes, rather than creating comprehensive alternative currency systems.⁵⁴

Chief Financial Officer

Florida law provides that the Chief Financial Officer (CFO) must serve as the state's chief fiscal officer and, amongst other things, is responsible for keeping all state funds.⁵⁵ The CFO is tasked with examining, auditing, adjusting, and settling all accounts of any person who may receive moneys of, or owes money to, the state.⁵⁶ Florida Statutes grant the CFO several powers to carry out these duties, such as the discretion on how to invest state funds within certain limitations,⁵⁷ authority to determine the frequency of certain state employee salary payments,⁵⁸ and requirement to report disbursements made.⁵⁹

Qualified Public Depositories

Unless a specific exemption applies, state and local governments must deposit public funds in a bank or savings association that has been designated as a qualified public depository (QPD)

⁴⁹ Wyo. Stat. §§ 34-29-101 to 34-29-103; SF111 (2018). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 128 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "2025 Bullion Feasibility Study").

⁵⁰ *Id.*

⁵¹ TN SB 1813 (2025-2026).

⁵² SC H 5115 (2025-2026).

⁵³ WV SB 413 (2026).

⁵⁴ 2025 Bullion Feasibility Study at 14, 20, 22-23.

⁵⁵ Fla. Const. art. IV s. 4(c); Section 17.001, F.S.

⁵⁶ Section 17.04, F.S.

⁵⁷ *See* s. 17.57, F.S.; s. 17.61, F.S.

⁵⁸ Section 17.28, F.S.

⁵⁹ Section 17.11, F.S.

under the Florida Security for Public Deposits Act.⁶⁰ As of December 2025, Florida had 128 authorized QPDs.⁶¹

To be designated as a QPD by the CFO, a bank, credit union, savings bank, or savings association must:

- Have authority to accept deposits because it has been chartered and regulated by the state or federal government;
- Have its principal place of business in Florida, or a branch office in Florida;
- Have deposit insurance pursuant to the Federal Deposit Insurance Act⁶² or the National Credit Union Share Insurance Fund;
- Have procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits;
- Meet all the requirements of ch. 280, F.S., relating to security for public deposits; and
- Refrain from engaging in the unsafe and unsound practice of discriminating against a person in providing services.⁶³

QPDs must secure public deposits with a pledge of eligible collateral, to protect the deposit against losses that could occur in the event of insolvency or default.⁶⁴ The amount of collateral that is required is based on statutory guidelines and the QPD's overall financial condition.⁶⁵

Public deposits include, but are not limited to, time deposit accounts, demand deposit accounts, and nonnegotiable certificates of deposits; they do not include moneys in deposit notes, securities, mutual funds, and similar investments.⁶⁶

A bank or savings association must guarantee public depositors against losses caused by the default or insolvency of other QPDs.⁶⁷ Any shortfall that is not covered by the maximum federal deposit insurance of \$250,000, the CFO must demand payment under letters of credit or the sale of pledged or deposited collateral by the defaulting depository. The CFO may assess QPDs for the total loss if the demand for payment or sale cannot be accomplished within 7 days.⁶⁸

⁶⁰ Sections 280.01 and 280.03(1)(b), F.S. Certain public deposits, including those that are fully collateralized under other laws and moneys contributions to the state retirement system that are held in the System Trust Fund, are exempt pursuant to s. 280.03(3), F.S.

⁶¹ Florida Department of Financial Services, Division of the Treasury, *Currently Designated Qualified Public Depositories*, (Dec. 2025), [Public Deposits - Smartsheet.com](https://www.smartsheet.com) (last visited Feb. 8, 2026).

⁶² 12 U.S.C. ss. 1811 et. seq.

⁶³ Section 280.02(26), F.S.

⁶⁴ Sections 280.04 and 280.041(6), F.S.

⁶⁵ Section 280.04, F.S., and Rule 69C-2.024, F.A.C.

⁶⁶ Section 280.02(23), F.S.

⁶⁷ Section 280.07, F.S.

⁶⁸ Section 280.08, F.S.

Financial Institutions

Dual Oversight of Depository Institutions

An institution must have a federal or state charter to accept deposits. Banks are chartered and regulated as national banks by the Office of the Comptroller of the Currency within the U.S. Department of the Treasury or as state banks by a state regulator.⁶⁹

The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, credit unions and related entities.⁷⁰ The Office of Financial Regulation (OFR) licenses and regulates 196 financial entities, including 57 state-chartered banks.⁷¹ There are at least 25 federally chartered banks operating in Florida.⁷²

Due to federal preemptions, a state's regulatory powers in relation to federally chartered institutions is limited. However, the state may exercise powers within their exceptions to exclusive federal visitorial authority. Such exceptions are those recognized by federal law and courts of law or created by the U.S. Congress.⁷³

Once a financial institution obtains a charter, one of the regulator's primary tasks is to ensure solvency, which is achieved by conducting financial exams of its licensed entities. Financial institutions also need approval from their regulator to make changes in their upper management, merge with another company, pay dividends to shareholders, engage in material transactions with subsidiaries and affiliates, or make significant changes to their business operations.⁷⁴

Banks chartered by the OFR must become a member of the Federal Reserve or obtain insurance from the Federal Deposit Insurance Corporation.⁷⁵ Credit Unions chartered by the OFR must insure their accounts by becoming a member of the National Credit Union Administration.⁷⁶ Thus, state-chartered banks and credit unions are subject to a dual-regulatory system.

The OFR must examine the condition of each state-chartered financial institution at least every 18 months, and may conduct more frequent examinations as needed, based on risks associated with a licensee, such as prior examination results or significant operational changes.⁷⁷ When a state-chartered financial institution also has a federal regulator, the OFR may accept an

⁶⁹ Congressional Research Service, *Introduction to Financial Services: Banking*, p. 1 (April 1, 2025)

<https://crsreports.congress.gov/product/pdf/IF/IF10035> (last visited Feb. 8, 2026).

⁷⁰ Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, financial institutions generally; Ch. 657, credit unions; Ch. 658, banks and trust companies; Ch. 660, trust business; Ch. 662, family trust companies; Ch. 663, international banking; Ch. 665, relating to associations; and Ch. 667, savings banks.

⁷¹ The OFR, *Fast Facts* (2025 ed.), <https://flofr.gov/docs/default-source/documents/fast-facts.pdf> (last visited Feb. 8, 2026) (hereinafter cited as "2025 OFR Fast Facts").

⁷² The Office of the Comptroller of Currency, U.S. Department of Treasury, *National Banks Active As of 1/31/2026*, <https://www.occ.gov/topics/charters-and-licensing/financial-institution-lists/national-by-name.pdf> (Feb. 8, 2026).

⁷³ 12 C.F.R. § 7.4000 (2011).

⁷⁴ For a detailed discussion of the regulatory framework, see Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework* (October 13, 2023), <https://www.congress.gov/crs-product/R44918> (last visited Feb. 8, 2026). See also ss. 655.037, 655.0385, 655.0386, 655.03855, and 655.412, F.S.

⁷⁵ Sections 658.22 and 658.38, F.S.

⁷⁶ Sections 657.005, 657.008, and 657.033, F.S.

⁷⁷ Section 655.045(1), F.S.

examination performed by the federal regulator or the regulators may conduct a joint examination.⁷⁸

Financial institutions that become insolvent are liquidated by their primary regulator.⁷⁹ Financial institutions must also comply with the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act (Act).⁸⁰ Such Act requires, amongst other things, for a financial institution to designate and retain a Bank Secrecy Act and Anti-Money Laundering (BSA/AML) compliance officer^{81,82} and keep a record of certain financial transactions which involves monetary instruments greater than \$10,000 which the financial institution believes is suspicious activity.⁸³ “Monetary instrument” is defined as:

“Coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, money orders, stored value cards, prepaid cards, investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery, or similar devices.”⁸⁴

Authority of the OFR

The OFR may impose administrative sanctions on financial institutions subject to the Florida Financial Institutions Codes, such as engaging in an “unsafe or unsound practice.”⁸⁵ Possible penalties include: issuance of a cease and desist order,⁸⁶ removal of an institution-affiliated party,⁸⁷ administrative fines,⁸⁸ and a court-ordered injunction to restrain conduct that violates a formal enforcement action.⁸⁹ When imposing a sanction or requiring a remedy, the OFR must consider “the appropriateness of the penalty with respect to the size of the financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require.”⁹⁰

⁷⁸ Section 655.045(1)(a), F.S.

⁷⁹ Sections 657.063, 657.064, 658.83, and 660.48, F.S.

⁸⁰ Section 655.50, F.S.

⁸¹ Section 655.50(3)(a), F.S., defines “BSA/AML compliance officer” as the financial institution’s officer responsible for the development and implementation of the financial institution’s policies and procedures for complying with the requirements of this section relating to anti-money laundering (AML), and the requirements of the Bank Secrecy Act of 1970 (BSA), Pub. L. No. 91-508, as amended; the USA Patriot Act of 2001, Pub. L. No. 107-56, as amended, and federal state rules and regulations adopted thereunder; and 31 C.F.R. parts 500-598, relating to the regulations of the Office of Foreign Assets Control (OFAC) of the United States Department of Treasury.

⁸² Section 655.50(4), F.S.

⁸³ Section 655.50(5), F.S.

⁸⁴ Section 655.50(3)(e), F.S.

⁸⁵ Section 655.005(1)(y), F.S., defines “unsafe or unsound practice” means any practice or conduct found by the office to be contrary to generally accepted standards applicable to a financial institution, or a violation of any prior agreement in writing or order of a state or federal regulatory agency, which practice, conduct, or violation creates the likelihood of loss, insolvency, or dissipation of assets or otherwise prejudices the interest of the financial institution or its depositors or members. In making this determination, the office must consider the size and condition of the financial institution, the gravity of the violation, and the prior conduct of the person or institution involved.

⁸⁶ Section 655.033, F.S.

⁸⁷ Section 655.037, F.S.

⁸⁸ Section 655.041, F.S.

⁸⁹ Section 655.034, F.S.

⁹⁰ Section 655.031(1), F.S.

The OFR may impose monetary fines if a licensee violates a provision of the financial institutions codes or associated rules, an order of the office, or a written agreement with the office.⁹¹ In general, administrative fines may not exceed \$2,500 per day for each violation.⁹² Larger fines are allowed in certain circumstances.⁹³ Criminal violations – like embezzlement and fraud – may be prosecuted under the penal code.⁹⁴

The OFR has authority to monitor state-chartered banks, to ensure compliance with state and federal laws, and may enforce state consumer protection laws on federally chartered banks operating within their boundaries so long as the state law is not pre-empted by federal law.⁹⁵ Federal pre-emption permits federally chartered banks and savings associations to operate under a uniform set of rules when they operate across state lines.⁹⁶

Money Services Businesses

The OFR also has regulatory authority over money services businesses⁹⁷ (MSBs) that assist consumers in transacting instruments,⁹⁸ transmitting money,⁹⁹ cashing checks,¹⁰⁰ and exchanging foreign currency.¹⁰¹ Examples include check cashers like The Check Cashing Store,¹⁰² money transmitters like PayPal,¹⁰³ and exchangers like Florida Currency Exchange.¹⁰⁴ Money services businesses also include “payday lenders” who offer short-term, high-interest loans that are due on the consumer’s next pay day.

⁹¹ Section 655.041, F.S.

⁹² Section 655.041(2), F.S.

⁹³ See Section 655.041(2), F.S.

⁹⁴ Section 655.0322, F.S.

⁹⁵ 12 U.S.C. 25b.

⁹⁶ U.S. Department of the Treasury, Office of the Comptroller of the Currency (OCC), *OCC Chief Counsel’s Interpretation: 12 U.S.S. § 25b* (Dec. 18, 2020), <https://www.occ.gov/news-issuances/news-releases/2020/nr-occ-2020-176a.pdf> (last visited Feb. 8, 2026).

⁹⁷ Section 560.103(22), F.S., defines “money services businesses” 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.

⁹⁸ Section 560.103(29), F.S., defines “payment instrument” as a check, draft, warrant, money order, travelers check, electronic instrument, or other instrument used for the transmission, exchange, or payment of currency or monetary value, regardless of whether it is negotiable. The term does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit.

⁹⁹ Section 560.105, F.S. Section 560.103(23), F.S., defines “money transmitter” as a corporation, limited liability corporation, limited liability partnership, or foreign entity qualified to do business in this state which receives currency, monetary value, a payment instrument, or virtual currency for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, or virtual currency from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country.

¹⁰⁰ Section 560.103(6), F.S., defines “check casher” as a person who sells currency in exchange for payment instruments received, except travelers checks.

¹⁰¹ Section 560.103(17), F.S., defines “foreign currency exchanger” as a person who exchanges, for compensation, currency of the United States or a foreign government to currency of another government.

¹⁰² The Check Cashing Store, *Home*, <https://www.thecheckcashingstore.com/home> (last visited Feb. 8, 2026).

¹⁰³ PayPal, *Home*, <https://www.paypal.com/us/digital-wallet> (last visited Feb. 8, 2026).

¹⁰⁴ Florida and Texas Currency Exchange, *Home*, <https://flcurrencyexchange.com/> (last visited Feb. 8, 2026).

Licensing of Money Services Businesses

MSBs are regulated under two license categories created pursuant to ch. 560, F.S. The first category, money transmitters and persons selling or issuing payment instruments, is regulated under part II of ch. 560, F.S. The second category, check cashers and foreign currency exchangers, is regulated under part III of ch. 560, F.S.

To be licensed under ch. 560, F.S., a money services business applicant must:

- Demonstrate to the OFR the character and general fitness necessary to command the confidence of the public and warrant the belief that the MSB or deferred presentment provider shall be operated lawfully and fairly;
- Be legally authorized to do business in Florida;
- Be registered as a MSB with the Financial Crimes Enforcement Network, if applicable;¹⁰⁵
- Have an anti-money laundering program in compliance with federal law;¹⁰⁶ and
- Provide the OFR with all the information required under ch. 560, F.S., and related rules.¹⁰⁷

To apply as a money services business a person must submit:

- An application to the OFR for an MSB license that must include, on a form prescribed by rule, specified information and documents, such as:
 - The legal name and address of the applicant;
 - The date of the applicant's formation and the state where the applicant was formed;
 - The name, specified identification number, business and residence addresses, and employment history for the past five years for each control person;
 - A description of the organizational structure of the applicant;
 - A description of the money services business activities the applicant proposes to conduct;
 - The location at which the applicant proposes to establish its principal place of business and any other location.¹⁰⁸
- A nonrefundable application fee.^{109,110}
- Fingerprints for live-scan processing in accordance with rules adopted by the Financial Services Commission (Commission), for each control person.¹¹¹
- A copy of the applicant's written anti-money laundering program.^{112,113}
- Within the time allotted by rule, any information needed to resolve any deficiencies found in the application.¹¹⁴

Licenses issued to MSBs cannot be for more than two years,¹¹⁵ after which, the money services business must reapply for licensure. Once licensed, an MSB is required to report any change in

¹⁰⁵ See 31 C.F.R. s. 1022.380.

¹⁰⁶ See 31 C.F.R. s. 1022.210.

¹⁰⁷ Section 560.1401, F.S.

¹⁰⁸ Section 560.141(1)(a), F.S.

¹⁰⁹ Section 560.143, F.S.

¹¹⁰ Section 560.141(1)(b), F.S.

¹¹¹ Section 560.141(1)(c), F.S.

¹¹² Supra note 68.

¹¹³ Section 560.141(1)(d), F.S.

¹¹⁴ Section 560.141(1)(e), F.S.

¹¹⁵ Section 560.141(2), F.S.

control persons.¹¹⁶ A change of control application must be accompanied by the payment of an initial licensing fee¹¹⁷ and a fee per branch or authorized vendor,¹¹⁸ up to a maximum of \$20,000.¹¹⁹

Administrative sanctions for money services businesses may include issuance of a Cease and Desist Order, removal of an Institution-Affiliated Party, suspension or revocation of a license, an injunction, or a fine of at least \$1,000 but not more than \$10,000 for each violation.¹²⁰ Money laundering may be prosecuted under state or federal law.¹²¹

Money Transmitters

A person is prohibited from engaging in money transmitter activity for compensation without first obtaining a license.¹²² Money transmitters are subject to additional licensing requirements, if applicable, including:

- A sample authorized vendor¹²³ contract.¹²⁴
- Documents demonstrating that the net worth and bonding requirements have been fulfilled.
- A copy of the applicant's financial audit for the most recent fiscal year.¹²⁵

A licensed money transmitter is authorized to conduct its business at one or more locations within Florida through branches or by means of authorized vendors, and may charge a different price for a money transmitter service based on the mode of transmission provided a customer is not charged more for service that is paid by credit card. A money transmitter is required to:

- Place assets that are a customer's property in a segregated account in a federally insured financial institution and maintain separate accounts for operating capital and the clearing of customer funds.
- Ensure currency or monetary value is available to the recipient within 10 business days after receipt.
- Provide a confirmation or sequence number to the customer upon receipt of currency or monetary value.¹²⁶

Licensed money transmitters are required to have a net worth of at least \$100,000 or more if the licensee operates more than one location. Such licensee must obtain an annual financial audit report that has to be submitted to the OFR within a specified time. Obtaining a license is

¹¹⁶ Section 560.126(3), F.S.

¹¹⁷ Fees are determined by whether the MSB is licensed under Part II or Part III of Chapter 560. Initial licensing fees under Part II licenses require a \$375 license application fee per s. 560.143(1)(a), F.S. Part III licenses require a \$188 license application fee per s. 560.143(b), F.S.

¹¹⁸ Section 560.143(1)(c) and (d), F.S., provides that both the per branch fee and the authorized vendor fee are \$38.

¹¹⁹ Section 560.143(1)(g), F.S.

¹²⁰ Sections 560.114 and 560.113, F.S.

¹²¹ Sections 560.111 and 560.123, F.S.

¹²² Section 560.204, F.S.

¹²³ Section 560.103(3), F.S., defines "authorized vendor" as a person designated by a money services business licensed under part II of ch. 560, F.S., to act on behalf of the licensee at locations in Florida pursuant to a written contract with the licensee.

¹²⁴ Section 560.203, F.S. (providing any authorized vendors of a licensee acting within the scope of authority conferred by the licensee are exempt from licensure but remain subject to the provisions of ch. 560, F.S.).

¹²⁵ Section 560.205, F.S.

¹²⁶ Section 560.208, F.S.

contingent on the applicant providing proof to the OFR of a corporate surety bond that may not be less than \$50,000 or exceed \$2 million.¹²⁷ A licensed money transmitter must possess permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money transmissions and payment instruments issued or sold by the licensee or an authorized vendor.¹²⁸ Money transmitters must also comply with record retention requirements.¹²⁹

The OFR reports that there was a total of 314 money transmitters licensed by the OFR as of January 2026.¹³⁰

III. Effect of Proposed Changes:

SB 1588 modifies ch. 2025-100, Laws of Florida, that was adopted during the 2025 Regular Session to recognize gold and silver as legal tender.

Section 1 saves ch. 2025-100, Laws of Florida, from repeal by repealing the sunset clause that expires on June 30, 2026, unless the act is reenacted.

Section 2 modifies the definitions of “gold coin” and “silver coin” to clarify that the purity requirement applies to the entire coin or item as a single unit and not to any isolated component or embedded portion of the gold or silver. The term does not include items that incorporate gold or silver within nonmetal substrates, such as polymer, plastic, paper, or other composite materials, regardless of the gold or silver component.

The bill restricts any marks indicating the face value of a coin in the official currency of any government, a country’s name on the coin, or phrases implying governmental issuance or that the coin was minted by a government mint.

The bill authorizes artistic or decorative designs, such as images of animals, historical figures, or patterns, to be marked on the coin if they are integral to the coin’s surface and do not imply governmental issuance, provided the coin otherwise meets the requirements for legal tender.

Section 3 modifies the definition of “custodian of gold coin or silver coin” to apply only to transactional gold or silver that is “intended to be capable of electronic transfer.” The term “transactional gold and silver” is defined as gold or silver held by a third party which is intended to be used, transferred, or exchanged as legal tender in a commercial or financial transaction through electronic or digital means. The term does not include an individual or entity that holds gold or silver that is not intended to be used as legal tender.

The bill removes “gold coin” and “silver coin” from services offered by a “foreign currency exchanger.” The bill also removes a “custodian of gold coin or silver coin” from the types of

¹²⁷ Section 560.209, F.S.

¹²⁸ Section 560.210(1), F.S. (providing permissible investments include, for instance, cash, certificates of deposit, or shares in a money market mutual fund).

¹²⁹ Section 560.211, F.S.

¹³⁰ The OFR, *2026 Agency Legislative Bill Analysis Florida Office of Financial Regulation for SB 1588*, 2, Feb. 5, 2026 (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as “2026 OFR Agency Analysis for SB 1588”).

services offered by a money services business. This removes the OFR's direct regulatory authority of custodians that safekeep and store gold and silver coin.

Section 4 modifies the requirement that OFR must examine a custodian at least annually to instead require OFR to annually examine a money services business that transmits gold or silver coin.

Section 5 removes the requirement that OFR must conduct an examination of a proposed custodian's vault before issuing a license to determine the applicant's ability to conduct business immediately upon opening for business.

Section 6 limits the money services business requirements for offering products or services in gold or silver coin to apply only to transmission of such coin, and removes storing, exchanging, or accepting payment as types of services that require compliance with the requirements.¹³¹

The bill requires a licensee that relies on a custodian's insurance to independently verify the insurance coverage is current and active.

Section 7 removes the additional license application requirements for custodians, and requires evidence, as prescribed by rule, of an applicant's compliance with certain money services business requirements for transmission of gold or silver coin¹³² if the applicant intends to offer such services.

Section 8 repeals section 560.214, F.S., relating to custodian requirements that were adopted in ch. 2025-100, L.O.F.¹³³ This eliminates statutory standards adopted to protect consumers assets that are held by custodians in vault facilities. The deleted standards are related to security against theft, accurate recordkeeping and accounting, safeguards against misappropriation of deposits, disclosures and quarterly statements to consumers, and returning gold to its owners upon request.

Sections 9, 10, and 11 conform to changes made because s. 560.214, F.S., is repealed in section 8 of the bill.

Section 12 provides the bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹³¹ Supra note 109.

¹³² Supra note 107.

¹³³ Supra note 108.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

While the U.S. Constitution authorizes states to make gold and silver coin legal tender for a payment of debt, gold coin or silver coin are not defined. The definitions established in the bill for these terms are broad and a federal court may interpret the meaning of these terms, and therefore the scope of a state's authority to make such coin legal tender, to be narrower than provided in the bill.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on the state revenue expenditures.

VI. Technical Deficiencies:

The OFR reports that the agency is unsure how to determine whether any of the following conditions in the definition of "custodian of gold coin or silver coin" have been met:

- Ownership of gold coin and/or silver coin is/is not intended to be capable of electronic transfer for legal tender as defined in s. 215.986(1), F.S. (Lines 96-99).
- A person or entity holding gold coin and/or silver coin is/is not intending to use the gold coin and/or silver coin as legal tender. (Lines 101-104).
- The gold or silver held by a third party is/is not intended to be used, transferred, or exchanged as legal tender in a commercial or financial transaction through electronic or digital media. (Lines 104-108).¹³⁴

VII. Related Issues:

None.

¹³⁴ 2026 OFR Agency Analysis for SB 1588 at 5.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 215.986, 560.103, 560.109, 560.141, 560.155, 560.205, 560.214, 280.21, 559.952, 655.97

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Gruters

22-01292A-26

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1 A bill to be entitled
 2 An act relating to legal tender; repealing s. 18 of
 3 chapter 2025-100, Laws of Florida; amending s.
 4 215.986, F.S.; revising the definitions of the terms
 5 "gold coin" and "silver coin"; revising requirements
 6 for gold coin and silver coin recognized as legal
 7 tender; amending s. 560.103, F.S.; revising
 8 definitions; defining the term "transactional gold or
 9 silver"; amending s. 560.109, F.S.; specifying that
 10 money services businesses that transmit gold coin or
 11 silver coin, rather than custodians of gold coin or
 12 silver coin, must be examined at specified intervals;
 13 amending s. 560.141, F.S.; deleting a provision
 14 regarding examination of certain applicants; amending
 15 s. 560.155, F.S.; revising prohibitions relating to
 16 money services businesses; revising the requirements
 17 for money services businesses that transmit gold coin
 18 or silver coin; amending s. 560.205, F.S.; revising
 19 license application requirements for certain
 20 applicants; repealing s. 560.214, F.S., relating to
 21 custodians of gold coin or silver coin; amending ss.
 22 280.21, 559.952, and 655.97, F.S.; conforming
 23 provisions to changes made by the act; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 18 of chapter 2025-100, Laws of Florida,
 29 is repealed.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Section 2. Paragraphs (c) and (f) of subsection (1) and
 31 paragraph (a) of subsection (2) of section 215.986, Florida
 32 Statutes, are amended to read:
 33 215.986 Gold and silver coin as legal tender.—
 34 (1) DEFINITIONS.—As used in this section, the term:
 35 (c) "Gold coin" means a precious metal with the chemical
 36 element of atomic number 79 in solid form, in the shape of
 37 rounds, bars, ingots, or bullion coins, which is valued for its
 38 metal content and stamped or imprinted with its weight and
 39 purity and which solid form of chemical element atomic number 79
 40 consists of at least 99.5 percent purity. The purity requirement
 41 applies to the entire coin or item as a single unit and not to
 42 any isolated component or embedded portion of the gold. The term
 43 does not include items that incorporate gold within nonmetal
 44 substrates, including, but not limited to, polymer, plastic,
 45 paper, or other composite materials, regardless of the purity of
 46 the gold component. The term also does not include any goods as
 47 defined in s. 672.105(1), such as jewelry; other items of
 48 utility, such as picture frames; or collectibles.
 49 (f) "Silver coin" means a precious metal with the chemical
 50 element of atomic number 47 in solid form, in the shape of
 51 rounds, bars, ingots, or bullion coins, which is valued for its
 52 metal content and is stamped or imprinted with its weight and
 53 purity and which solid form of chemical element atomic number 47
 54 consists of at least 99.9 percent purity. The purity requirement
 55 applies to the entire coin or item as a single unit and not to
 56 any isolated component or embedded portion of the silver. The
 57 term does not include items that incorporate silver within
 58 nonmetal substrates, including, but not limited to, polymer,

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59 plastic, paper, or other composite materials, regardless of the
 60 purity of the silver component. The term also does not mean any
 61 goods as defined in s. 672.105(1), such as jewelry; other items
 62 of utility, such as picture frames; or collectibles.

63 (2) LEGAL TENDER.—Gold coin and silver coin that meet the
 64 requirements of this section are recognized as legal tender by
 65 this state for the payment of debts incurred on or after July 1,
 66 2026.

67 (a) Gold coin or silver coin recognized as legal tender in
 68 this section may not be imprinted, stamped, or otherwise marked
 69 with any name, symbol, or other information or design,
 70 indicating the face value of the coin in the official currency
 71 of any government, or with a country's name on the coin or
 72 phrases implying governmental issuance or that the coin was
 73 minted by a government mint. including, but not limited to, any
 74 suggestion that such coin has been minted or issued by any
 75 government. Except as prohibited in this paragraph, the ~~that~~
 76 ~~such~~ coin must be imprinted, stamped, or otherwise marked with
 77 the coin's weight and purity and may be imprinted, stamped, or
 78 otherwise marked with the name or symbol that identifies any
 79 refiner or mint of the gold coin or silver coin. Additional
 80 artistic or decorative designs, such as images of animals,
 81 historical figures, or patterns, are permitted if they are
 82 integral to the coin's surface and do not imply governmental
 83 issuance as provided in this paragraph, and if the coin
 84 otherwise meets the purity and form requirements in subsection
 85 (1). A gold coin or silver coin that does not meet the
 86 requirements of this paragraph is not recognized as legal tender
 87 for the payment of debts in this state.

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88 Section 3. Subsections (13), (19), and (26) of section
 89 560.103, Florida Statutes, as amended by chapter 2025-100, Laws
 90 of Florida, are amended to read:

91 560.103 Definitions.—As used in this chapter, the term:

92 (13) "Custodian of gold coin or silver coin" or
 93 "custodian," as used for purposes of transactional gold or
 94 silver, means any person or entity providing secure vault
 95 facilities to one or more persons for the safekeeping and
 96 storage of gold coin or silver coin, the ownership of which is
 97 intended to be capable of electronic transfer ~~or may be~~
 98 ~~transferred electronically~~ as defined in s. 215.986(1) for legal
 99 tender as defined in s. 215.986(1). The term includes any person
 100 who holds gold coin or silver coin for more than 10 days. The
 101 term does not include a person who holds gold coin or silver
 102 coin for personal use as legal tender or an individual or entity
 103 that holds gold or silver that is not intended to be used as
 104 legal tender. For purposes of this subsection, the term
 105 "transactional gold or silver" means gold or silver held by a
 106 third party which is intended to be used, transferred, or
 107 exchanged as legal tender in a commercial or financial
 108 transaction through electronic or digital means.

109 (19) "Foreign currency exchanger" means a person who
 110 exchanges, for compensation, currency of the United States or a
 111 foreign government, ~~gold coin, or silver coin~~ to currency of
 112 another government.

113 (26) "Money transmitter" means a corporation, limited
 114 liability company, limited liability partnership, or foreign
 115 entity qualified to do business in this state which
 116 ~~(a)~~ receives currency, monetary value, a payment

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117 instrument, gold coin, silver coin, or virtual currency for the
 118 purpose of acting as an intermediary to transmit currency,
 119 monetary value, a payment instrument, gold coin, silver coin, or
 120 virtual currency from one person to another location or person
 121 by any means, including transmission by wire, facsimile,
 122 electronic transfer, courier, the Internet, or through bill
 123 payment services or other businesses that facilitate such
 124 transfer within this country, or to or from this country. The
 125 term includes only an intermediary that has the ability to
 126 unilaterally execute or indefinitely prevent a transaction; ~~or~~

127 ~~(b) Acts as a custodian of gold coin or silver coin.~~

128 Section 4. Subsection (1) of section 560.109, Florida
 129 Statutes, as amended by chapter 2025-100, Laws of Florida, is
 130 amended to read:

131 560.109 Examinations and investigations.—The office may
 132 conduct examinations and investigations, within or outside this
 133 state to determine whether a person has violated any provision
 134 of this chapter and related rules, or of any practice or conduct
 135 that creates the likelihood of material loss, insolvency, or
 136 dissipation of the assets of a money services business or
 137 otherwise materially prejudices the interests of their
 138 customers.

139 (1) The office may, without advance notice, examine or
 140 investigate each licensee as often as is warranted for the
 141 protection of customers and in the public interest. However, the
 142 office must examine each licensee at least once every 5 years,
 143 except that a money services business that transmits ~~custodian~~
 144 ~~of gold coin or silver coin~~ must be examined at least annually.
 145 The office may, without advance notice, examine or investigate a

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146 money services business, authorized vendor, affiliated party, or
 147 license applicant at any time if the office suspects that the
 148 money services business, authorized vendor, affiliated party, or
 149 license applicant has violated or is about to violate any
 150 provision of this chapter or any criminal law of this state or
 151 of the United States.

152 Section 5. Subsection (3) of section 560.141, Florida
 153 Statutes, as amended by chapter 2025-100, Laws of Florida, is
 154 amended to read:

155 560.141 License application.—

156 ~~(3) The office shall conduct an examination of the~~
 157 ~~applicant, including, but not limited to, the custodian's vault~~
 158 ~~facilities, before issuing a license to determine the~~
 159 ~~applicant's ability to conduct business immediately upon opening~~
 160 ~~for business.~~

161 Section 6. Subsection (1) of section 560.155, Florida
 162 Statutes, as amended by chapter 2025-100, Laws of Florida, is
 163 amended to read:

164 560.155 Gold and silver coin as legal tender.—

165 (1) A money services business may not be required to
 166 transmit ~~offer products or services, including, but not limited~~
 167 ~~to, transmitting, storing, exchanging, or accepting payment in~~
 168 gold coin or silver coin. To the extent that a money services
 169 business offers such transmissions ~~products or services~~, the
 170 money services business must do all of the following, as
 171 applicable:

172 (a) ~~Except as provided in s. 560.214,~~ Maintain separate
 173 accounts for any gold coin or silver coin and not commingle such
 174 gold coin or silver coin with any other accounts that hold coin

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175 or currency of the United States or of another country.

176 (b) Insure the gold coin or silver coin, if not otherwise
 177 insured by ~~a an independent~~ custodian of gold coin or silver
 178 coin ~~pursuant to s. 560.214(1)(i)~~, for 100 percent of the full
 179 replacement value under an all-risk insurance policy issued by a
 180 nongovernmental operated insurer that is an authorized insurer
 181 or eligible surplus lines insurer. A licensee relying on
 182 insurance provided by the custodian must independently verify
 183 the insurance coverage is current and active.

184 (c) Securely store and safeguard all physical gold coin or
 185 silver coin with a custodian of gold coin or silver coin within
 186 this state.

187 (d) Ensure that any gold coin or silver coin that is
 188 purchased for use or circulation as legal tender is from an
 189 accredited refiner or wholesaler as prescribed by commission
 190 rule which certifies that the gold coin or silver coin being
 191 purchased meets the requirements of gold coin and silver coin.

192 (e) Make disclosures to a customer at the inception of the
 193 relationship for providing products or services relating to gold
 194 coin or silver coin before a customer initially purchases or
 195 uses a money services business product or service relating to
 196 such coin, prescribed on a form adopted by the commission. The
 197 commission must adopt rules to prescribe the general form of
 198 such disclosures. Such disclosures must include, at a minimum,
 199 all of the following:

200 1. Notice that the value of gold coin or silver coin will
 201 fluctuate over time and that such customer should seek
 202 professional advice about whether transacting in gold coin or
 203 silver coin may incur a federal capital gains tax.

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204 2. Notice of potential fees that may be incurred for
 205 converting gold coin or silver coin to United States dollars or
 206 other currency, or any other transaction fees that may be
 207 incurred which can be incorporated by referencing the company's
 208 terms and conditions.

209 3. Any additional disclosures the commission deems
 210 necessary for the protection of any person or entity that
 211 tenders or accepts gold coin or silver coin for the payment of
 212 debts, taxes, charges, or dues.

213 (f) Provide transparent contracts, products, services,
 214 storage terms, and fees, including, but not limited to,
 215 purchase, sale, conversion, storage, delivery, transaction, or
 216 other fees. The spot rate at which any gold coin or silver coin
 217 is converted must be disclosed at the time that the gold coin or
 218 silver coin is converted.

219 (g) Comply with chain of custody requirements, as
 220 prescribed by commission rule.

221 (h) Comply with all other applicable state and federal laws
 222 and regulations.

223 Section 7. Section 560.205, Florida Statutes, as amended by
 224 chapter 2025-100, Laws of Florida, is amended to read:

225 560.205 Additional license application requirements.—In
 226 addition to the license application requirements under part I of
 227 this chapter, an applicant seeking a license under this part
 228 must also submit all of the following information ~~any~~
 229 ~~information required to be submitted by each applicant under the~~
 230 ~~relevant subsection~~ to the office:—

231 (1) ~~Any applicant seeking to operate as a payment~~
 232 ~~instrument seller or money transmitter must provide all of the~~

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233 ~~following information to the office:~~

234 ~~(a)~~ A sample authorized vendor contract, if applicable.

235 ~~(2)(b)~~ A sample form of payment instrument, if applicable.

236 ~~(3)(c)~~ Documents demonstrating that the net worth and

237 bonding requirements specified in s. 560.209 have been

238 fulfilled.

239 ~~(4)(d)~~ A copy of the applicant's financial audit report for
240 the most recent fiscal year. If the applicant is a wholly owned
241 subsidiary of another corporation, the financial audit report on
242 the parent corporation's financial statements satisfies this
243 requirement.

244 ~~(2) Any applicant seeking to operate as a money transmitter~~
245 ~~that is a custodian of gold coin or silver coin must also~~
246 ~~provide all of the following additional information to the~~
247 ~~office:~~

248 ~~(a) All requirements specified in subsection (1).~~

249 ~~(5)(b) Evidence, as prescribed by commission rule,~~
250 ~~demonstrating an applicant's compliance with s. 560.155(1)(a)-~~

251 ~~(g), if such applicant intends to act as a money transmitter~~
252 ~~that transmits gold coin or silver coin of:~~

253 ~~1. Insurance against loss for all gold coin or silver coin~~
254 ~~held in its custody;~~

255 ~~2. Custody of the exact quantity and type of asset for all~~
256 ~~of its customers' gold coin or silver coin held in its physical~~
257 ~~custody; and~~

258 ~~3. Depository accreditation from an entity approved by the~~
259 ~~office.~~

260 ~~(c) A statement of a business plan providing for the safe~~
261 ~~and sound operation of custodial services pertaining to the~~

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262 ~~storage, security, insurance, auditing, administration,~~
263 ~~authorized access, transacting, and transfer of gold coin or~~
264 ~~silver coin to the satisfaction of the office or in accordance~~
265 ~~with rules adopted by the commission.~~

266 Section 8. Section 560.214, Florida Statutes, is repealed.

267 Section 9. Paragraph (a) of subsection (1) of section
268 280.21, Florida Statutes, is amended to read:

269 280.21 Custodians of gold coin and silver coin.—

270 (1) A custodian of gold coin or silver coin as defined in
271 s. 560.103 which holds public deposits must do all of the
272 following:

273 (a) Meet the definition of a qualified public depository as
274 defined in s. 280.02, except that such custodian is not required
275 to be insured by the Federal Deposit Insurance Corporation or
276 the National Credit Union Share Insurance Fund for purposes of
277 holding gold coin or silver coin as defined in s. 215.986. ~~Such~~
278 ~~custodian must maintain insurance as prescribed in s. 560.214.~~

279 Section 10. Paragraph (a) of subsection (4) of section
280 559.952, Florida Statutes, as amended by chapter 2025-100, Laws
281 of Florida, is amended to read:

282 559.952 Financial Technology Sandbox.—

283 (4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE
284 REQUIREMENTS.—

285 (a) Notwithstanding any other law, upon approval of a
286 Financial Technology Sandbox application, the following
287 provisions and corresponding rule requirements are not
288 applicable to the licensee during the sandbox period:

289 1. Section 516.03(1), except for the application fee, the
290 investigation fee, the requirement to provide the social

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291 security numbers of control persons, evidence of liquid assets
 292 of at least \$25,000 or documents satisfying the requirements of
 293 s. 516.05(10), and the office's authority to investigate the
 294 applicant's background. The office may prorate the license
 295 renewal fee for an extension granted under subsection (7).
 296 2. Section 516.05(1) and (2), except that the office shall
 297 investigate the applicant's background.
 298 3. Section 560.109, only to the extent that the section
 299 requires the office to examine a licensee at least once every 5
 300 years.
 301 4. Section 560.118(2).
 302 5. Section 560.125(1), only to the extent that the
 303 subsection would prohibit a licensee from engaging in the
 304 business of a money transmitter or payment instrument seller
 305 during the sandbox period.
 306 6. Section 560.125(2), only to the extent that the
 307 subsection would prohibit a licensee from appointing an
 308 authorized vendor during the sandbox period. Any authorized
 309 vendor of such a licensee during the sandbox period remains
 310 liable to the holder or remitter.
 311 7. Section 560.128.
 312 8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-
 313 10. and (b), (c), and (d).
 314 9. Section 560.142(1) and (2), except that the office may
 315 prorate, but may not entirely eliminate, the license renewal
 316 fees in s. 560.143 for an extension granted under subsection
 317 (7).
 318 10. Section 560.143(2), only to the extent necessary for
 319 proration of the renewal fee under subparagraph 9.

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320 11. Section 560.204(1), only to the extent that the
 321 subsection would prohibit a licensee from engaging in, or
 322 advertising that it engages in, the activity of a payment
 323 instrument seller or money transmitter during the sandbox
 324 period.
 325 12. Section 560.205(2) ~~Section 560.205(1)(b)~~.
 326 13. Section 560.208(2).
 327 14. Section 560.209, only to the extent that the office may
 328 modify, but may not entirely eliminate, the net worth, corporate
 329 surety bond, and collateral deposit amounts required under that
 330 section. The modified amounts must be in such lower amounts that
 331 the office determines to be commensurate with the factors under
 332 paragraph (5)(c) and the maximum number of consumers authorized
 333 to receive the financial product or service under this section.
 334 Section 11. Paragraphs (a), (b), and (d) of subsection (4)
 335 of section 655.97, Florida Statutes, are amended to read:
 336 655.97 Gold and silver coin as legal tender.—
 337 (4) To the extent that a financial institution accepts gold
 338 coin or silver coin deposits or otherwise holds such coin on
 339 behalf of its customers, members, or the public, the financial
 340 institution must do all of the following:
 341 (a) ~~Except as provided in s. 560.214,~~ Maintain separate
 342 accounts for any gold coin or silver coin and not commingle such
 343 gold coin or silver coin with any other accounts that hold coin
 344 or currency of the United States or of another country.
 345 (b) Insure the gold coin or silver coin, if not otherwise
 346 insured by a custodian of gold coin or silver coin ~~pursuant to~~
 347 ~~s. 560.214(1)(i)~~, for 100 percent of the full replacement value
 348 under an all-risk insurance policy issued by a nongovernmental-

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349 operated insurer that is an authorized insurer or an eligible
350 surplus lines insurer.

351 ~~(d) Comply, or be responsible and accountable for any~~
352 ~~third party vendor that stores such gold coin or silver coin on~~
353 ~~its behalf to comply, with the requirements for a custodian of~~
354 ~~gold coin or silver coin as provided in s. 560.214. A financial~~
355 ~~institution regulated under the financial institutions code of~~
356 ~~this state which acts as a custodian is exempt from obtaining a~~
357 ~~separate license as a custodian pursuant to s. 560.204(1).~~

358 Section 12. This act shall take effect upon becoming a law.



2026 AGENCY LEGISLATIVE BILL ANALYSIS Florida Office of Financial Regulation

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1588
BILL TITLE:	An act relating to legal tender
BILL SPONSOR:	Senator Gruters
EFFECTIVE DATE:	Upon becoming law

<u>COMMITTEES OF REFERENCE</u>
1) Insurance & Banking Subcommittee
2) Commerce Committee
3)
4)
5)

<u>CURRENT COMMITTEE</u>
Insurance & Banking Subcommittee

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 1311
SPONSOR:	Representative Bankson

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	SB 132
SPONSOR:	Senators Rodriguez, Gruters, and Burgess
YEAR:	2025
LAST ACTION:	Laid on Table, companion bill(s) passed, see CS/HB 999 (Chapter No. 2025-100)

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	February 5, 2026
LEAD AGENCY ANALYST:	Ash Mason, Director of Legislative Affairs (850) 410-9789
ADDITIONAL ANALYST(S):	Gregory C. Oaks, Director, Division of Consumer Finance (850) 410-9601
LEGAL ANALYST:	Anthony Cammarata, General Counsel (850) 410-9601
FISCAL ANALYST:	Buckley Vernon, Financial Administrator (850) 410-9673

POLICY ANALYSIS

A. EXECUTIVE SUMMARY

Revises the definition of “custodian of gold coin or silver coin” to limit its application, revises the definition of foreign currency exchanger, removes licensure requirement for custodians, repeals s. 560.214, which required custodians to comply with additional regulatory requirements, and makes technical changes to chapter 560 to implement the bill.

The bill is set to take effect upon becoming law.

B. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

OFR licenses and regulates MSBs, which are regulated by chapter 560, Florida Statutes. A person must be licensed or exempt from licensure to engage in the activities of an MSB. An MSB 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.” s. 560.103(23), Florida Statutes. As of January 2026, there were a total of 314 money transmitters licensed by OFR.

Chapter 2025-100, Laws of Florida (“2025 Legislation”), was signed into law in May of 2025 and established a legal tender regulatory framework. The 2025 Legislation incorporated and defined the term “custodian of gold coin and silver coin” and requires a custodian of gold coin and silver coin (“custodian”) to become licensed as a money services business (“MSB”), specifically a money transmitter, under chapter 560. The term custodian includes persons or entities providing secure vault facilities for the safekeeping and storage of gold coin and/or silver coin for another for a period longer than 10 days. The ownership of the stored gold coin and/or silver coin is/may be transferred electronically as defined in s. 215.986(1)¹. The term does not include a person who holds gold coin or silver coin for personal use as legal tender.

In addition to requiring a custodian to obtain licensure as an MSB, the 2025 Legislation created s. 560.214, F.S., which required licensed custodians to comply with additional regulatory requirements, including, but not limited to, meeting certain security requirements, maintaining accounting records, maintaining a certain amount of insurance for stored gold and silver coin, and providing certain disclosures to owners.

Although the 2025 Legislation was signed into law in May of 2025, the provisions related to the regulation of custodians will not go into effect until July 1, 2026. Pursuant to the 2025 Legislation, OFR was required to adopt rules implementing the legal tender regulatory framework and such rules would then need to be ratified by the Legislature. Once ratification occurs, both the 2025 Legislation and adopted rules would go into effect July 1, 2025.

The rules have been adopted and are set to become effective on July 1, 2026, subject to Legislative ratification.

2. EFFECT OF THE BILL:

Amends s. 560.103(13), Florida Statutes, to revise the definition of “custodian of gold coin or silver coin” to limit its application. The term is limited to transactional gold or silver, as that term is defined in s. 560.103, Florida Statutes, and includes persons or entities that provide secure vault facilities for another for the safekeeping and storage of gold coin or silver coin the ownership of which is intended to be capable of electronic transfer for legal tender, and excludes persons or entities that hold gold or silver that is not intended to be used as legal tender.

Removes MSB license requirement for custodians. Custodians may store gold coin and silver coin for another without having to obtain an MSB license.

¹ The term “electronic transfer” means any instruction, other than a transaction by check, draft, or similar paper instrument, which is initiated through debit card, mobile application, or computer to order, instruct, or authorize a financial institution as defined in s. 655.005(1)(i) or a money services business as defined in s. 560.103 to debit or credit an account with gold coin or silver coin or any fraction thereof, or the equivalent coin or currency of the United States or foreign currency converted at current market price. An “electronic transfer” includes, but is not limited to, an instruction in a debit card transaction that authorizes the debit or credit of an account in a single, integrated step at the point of sale. S. 215.986(1)(b), Florida Statutes.

Repeals s. 560.214, Florida Statutes, which required custodians to comply with additional regulatory requirements.

Removes the term “gold coin and silver coin” from the definition of foreign currency exchanger. Foreign currency exchangers facilitate the **physical** exchange of currency. Including such term in the definition of foreign currency exchanger may inadvertently require the MSB licensure of precious metal dealers licensed under chapter 538, Florida Statutes

By definition, an MSB can only transmit gold coin and silver coin. Therefore, the bill removes provisions referencing an MSB’s ability to store, exchange, or accept payment in gold coin or silver coin.

As a custodian is no longer subject to licensure under chapter 560, Florida Statutes, and therefore no longer required by chapter 560, Florida Statutes, to maintain insurance, the bill places the burden on licensee’s who rely on custodians to provide insurance coverage for gold coin and silver coin to independently verify that the custodian’s insurance coverage is current and active.

Requires the annual examination of MSBs who transmit gold coin or silver coin, while allowing MSBs not transmitting gold coin or silver coin to be examined every five (5) years, as currently set forth in the statute.

As a custodian is no longer subject to licensure under chapter 560, Florida Statutes, and therefore not required to comply with s. 560.155(1)(a)-(g)², the bill now places this compliance mandate on money transmitters transmitting gold coin and silver coin.

The bill deletes cross-references to repealed s. 560.214, Florida Statutes, and makes technical changes throughout chapter 560, Florida Statutes, for purposes of implementation.

The bill is set to take effect upon becoming law.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:		
Is the change consistent with the agency’s core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Rule(s) impacted (provide references to F.A.C., etc.):		

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

² Provisions require money services businesses transmitting gold coin and silver coin to comply with additional safeguards.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. FISCAL IMPACT TO LOCAL GOVERNMENT

Y N

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. FISCAL IMPACT TO STATE GOVERNMENT

Y N

Revenues:	
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

3. FISCAL IMPACT TO THE PRIVATE SECTOR

Y N

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y N

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?

Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.		
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?

Y N

If yes, describe the anticipated impact including any fiscal impact.	
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ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>Lines 96 - 99: The agency is unsure how to determine whether ownership of gold coin and/or silver coin is/is not "intended to be capable of electronic transfer for legal tender as defined in s. 215.986(1)."</p> <p>Lines 101-104: The agency is unsure how to determine whether a person or entity holding gold coin and/or silver coin is/is not "intending to use the gold coin and/or silver coin as legal tender."</p> <p>Lines 104 – 108: The agency is unsure how to determine whether the gold or silver held by a third party is/is not intended to be used, transferred, or exchanged as legal tender in a commercial or financial transaction through electronic or digital media.</p>
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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/11/20

Meeting Date

SB 1588

Bill Number or Topic

Banking & Insurance
Committee

Amendment Barcode (if applicable)

Name MIKE CARTER

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OAK POINT TX 75068
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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FOR CONSIDERATION By the Committee on Banking and Insurance

597-02588-26

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A bill to be entitled
(PRELIMINARY DRAFT) An act relating to legal tender;
providing legislative intent; providing an effective
date.

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

Section 1. The Legislature intends to revise laws relating
to legal tender.

Section 2. This act shall take effect July 1, 2026.

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: SB 7044

INTRODUCER: Banking and Insurance Committee

SUBJECT: Public Records

DATE: February 12, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Moody</u>	<u>Knudson</u>	_____	BI Submitted as Comm. Bill/Fav

I. Summary:

SB 7044 expands current public records exemptions that apply to money services businesses and financial institutions, including anti-money laundering provisions, to exempt from public records disclosure requirements records relating to custodians of gold and silver coin that is made legal tender under ch. 100-2025, Laws of Florida. This is done by reenacting public records exemptions relevant to custodians and providing updated public necessity statements.

The bill provides that the reenacted public records exemptions to which the Open Government Sunset Review Act applies will be repealed on October 2, 2031, unless the statutes are reviewed and reenacted by the Legislature before that date.

The bill provides statements of public necessity as required by the state constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the membership of both houses of the Legislature for final passage.

There is no anticipated fiscal impact on state or local government. See Section V. Fiscal Impact Statement.

The bill is effective on the same date that sections 1 through 15 of chapter 2025-100, Laws of Florida, become effective.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three

¹ FLA. CONST., art. I, s. 24(a).

branches of state government, local governmental entities, and any person acting on behalf of the government.²

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *see also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2 of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable public purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Financial Regulation

The Office of Financial Regulation (OFR) is responsible for regulating all activities of state-chartered banks, state-chartered credit unions, other financial institutions, finance companies, and the securities industry (together, the “financial services”).²⁷ The number of licensees or state-chartered institutions regulated by the office is summarized below:²⁸

<u>Division</u>	<u>Number of Persons Regulated</u>
Division of Consumer Finance	122,530
Division of Financial Institutions	196
Division of Securities	<u>403,627</u>
Total Regulated Persons	<u>526,353</u>

Money Services Businesses

The OFR regulates money services businesses²⁹ (MSB) under ch. 560, F.S. There are several types of money services businesses, including a payment instrument seller, foreign currency

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ FLA. CONST. art. I, s. 24(c). See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 20.121(3)(a)2., F.S.

²⁸ Florida Office of Financial Regulation, *Fast Facts* (Jan. 2025 ed.), available at: [fast-facts.pdf](#) (last visited Jan. 7, 2026) (hereinafter cited as “2025 OFR Fast Facts”).

²⁹ Section 560.103(23), F.S., defines “money services business” 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.

exchanger, check casher, or money transmitter.³⁰ The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.³¹

Confidentiality of Information and Records

Current law contains several provisions which make confidential and exempt from the Public Records Act certain records or information of money services businesses relating to:

- Investigations and examinations conducted by the OFR, including any customer complaint received by the OFR or the Department of Financial Services, until the investigation or examination ceases to be active;³²
- Trade secrets³³ or personal financial information obtained by the OFR during its investigation or examination;³⁴
- A consumer complaint or other information concerning an investigation or examination for a specified reason.³⁵

Any person who willfully discloses any of the above confidential and exempt information commits a third degree felony.³⁶

Confidentiality of Database of Payment Instrument Transactions

Check cashers and foreign currency exchangers must maintain a copy of each payment instrument cashed.³⁷ If the payment instrument exceeds \$1,000, additional information must be maintained or submitted to database, such as the payor name, payee name, amount of the payment instrument, and amount of currency provided.³⁸ Such payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor is confidential and exempt from public records disclosures.³⁹

Database for Deferred Presentment Providers

The OFR is required to implement a common database with real-time access for deferred presentment providers in order to verify whether any deferred presentment transactions are outstanding for a particular person.⁴⁰ Deferred presentment providers must submit specified data before entering into each deferred present transaction, such as the drawer's name, social security

³⁰ *Id.*

³¹ Section 560.114(1), F.S.

³² Section 560.129(1), F.S. (providing an investigation or examination is “active so long as the office or any other administrative, regulatory, or law enforcement agency of any jurisdiction is proceeding with reasonable dispatch and has a reasonable good faith belief that action may be initiated by the office or other administrative, regulatory, or law enforcement agency”).

³³ “Trade secrets” is defined as information, including a formula, pattern, compilation, program, device, method, technique, or process that meets specified criteria. Section 688.002(4), F.S.

³⁴ Section 560.129(2), F.S.

³⁵ Section 560.129(4), F.S. (providing the reasons, including (a) Jeopardize the integrity of another active investigation; (b) Reveal personal financial information; (c) Reveal the identity of a confidential source; or (d) Reveal investigative techniques or procedures).

³⁶ A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

³⁷ Section 560.310(1), F.S.

³⁸ Section 560.310(2), F.S.

³⁹ Section 560.312, F.S.

⁴⁰ Section 560.404(24), F.S.

number or employment authorization alien number, address, amount of the transaction.⁴¹ Information that identifies a drawer or a deferred presentment provider contained in a database of deferred presentment transactions is confidential and exempt.⁴²

Financial Institutions

A financial institution must have a federal or state charter to accept deposits. Banks are chartered and regulated as national banks by the Office of the Comptroller of the Currency (OCC) within the U.S. Department of the Treasury or as state banks by a state regulator.⁴³ The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, and related entities.⁴⁴ Of the 196 financial entities regulated by the OFR, 57 of them are state-chartered banks.⁴⁵ There are also approximately 30 federally-chartered banks operating in Florida.⁴⁶

Confidentiality of Information and Records

Certain information and records of financial institutions are confidential and exempt from the Public Records Act, including:

- Investigations conducted by the OFR until the investigation is completed or ceases to be active⁴⁷ except for specified reasons,^{48,49}

⁴¹ *Id.*

⁴² Section 560.4041, F.S.

⁴³ Congressional Research Service, *Introduction to Financial Services: Banking*, p. 1, January 5, 2023, available at: <https://crsreports.congress.gov/product/pdf/IF/IF10035> (last visited Jan. 6, 2026).

⁴⁴ Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, financial institutions generally; Ch. 657, credit unions; Ch. 658, banks and trust companies; Ch. 660, trust business; Ch. 662, family trust companies; Ch. 663, international banking; Ch. 665, relating to associations; and Ch. 667, savings banks.

⁴⁵ 2025 OFR Fast Facts.

⁴⁶ The OCC, *National Banks Active As of 11/30/2025*, November 30, 2025, available at [national-by-state.pdf](#) (last visited Jan. 6, 2026).

⁴⁷ Section 655.057(1), F.S., provides an investigation is “active while such investigation is being conducted by the office within a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings.”

⁴⁸ *Id.* (providing the reasons, including (a) Jeopardize the integrity of another active investigation; (b) Impair the safety and soundness of the financial institution; (c) Reveal personal financial information; (d) Reveal the identity of a confidential source; (e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or (f) Reveal investigative techniques or procedures).

⁴⁹ Section 655.057(1), F.S.

- Reports of examinations,⁵⁰ operations, or condition, including working papers,⁵¹ or portions thereof, prepared by, or for the use of, the OFR or any state or federal agency responsible for the regulation or supervision of financial institutions⁵² in Florida,⁵³
- Informal enforcement actions;^{54,55}
- Trade secrets⁵⁶ held by the OFR;⁵⁷
- Relating to certain information received by the OFR in an application for authority to organize a new state bank⁵⁸ or new state trust company.^{59,60}
- Any portion of a required shareholder list which reveals the shareholders' identities;⁶¹ and
- Confidential documents supplied to the OFR or to employees of any financial institution by other state or federal governmental agencies.⁶²

Any person who willfully discloses information made confidential commits a felony of the third degree.⁶³ The exemptions do not prevent or restrict.⁶⁴

- Publishing certain reports that must be submitted to the OFR or that are required to be published by federal law or regulation;
- Providing records or information to any other state, federal, or foreign agency responsible for the regulation and supervision of financial institutions;

⁵⁰ "Examination report" is defined as records submitted to or prepared by the [OFR] as part of the [OFR's] duties performed pursuant to s. 655.012, F.S., or s. 655.045(1), F.S. Section 655.057(12)(a), F.S.

⁵¹ "Working papers" is defined as the records of the procedures followed, the tests performed, the information obtained, and the conclusions reached in an examination or investigation performed under s. 655.032, F.S., or s. 655.045, F.S. Working papers include planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of the books and records of a financial institution as defined in s. 655.005(1), F.S., and scheduled or commentaries prepared or obtained in the course of such examination or investigation.

⁵² "Financial institution" is defined as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq. Section 655.005(1)(i), F.S.

⁵³ Section 655.057(2), F.S.

⁵⁴ "Informal enforcement actions" is defined as a board resolution, a document of resolution, or an agreement in writing between the office and a financial institution which meets certain criteria. Section 655.057(12)(b), F.S.

⁵⁵ Section 655.057(3), F.S.

⁵⁶ Supra note 33; The trade secret must also comply with s. 655.0591, F.S.

⁵⁷ Section 655.057(4), F.S.

⁵⁸ "State bank" is defined as any bank which has a subsisting bank charter issued pursuant to the provisions of the financial institutions codes or the general banking laws of this state in effect prior to the enactment of the financial institutions codes. Section 658.12(17), F.S.

⁵⁹ "State trust company" is defined as a corporation, other than a bank, which has a subsisting trust company charter issued pursuant to the provisions of the financial institutions codes or the applicable laws of the state in effect prior to the enactment of the financial institutions codes. Section 658.12(19), F.S.

⁶⁰ Section 655.057(5), F.S. (providing the following information as confidential and exempt from public records disclosure requirements: 1. Personal financial information; 2. A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity; 3. Books and records of a current or proposed financial institutions; and 4. The proposed business plan and supporting documentation).

⁶¹ Section 655.057(9), F.S.

⁶² Section 655.057(10), F.S.

⁶³ Section 655.057(14), F.S.; Supra note 36.

⁶⁴ Section 655.057(6), F.S.

- Disclosing or publishing summaries of the economic condition or similar data of financial institutions;
 - Reporting any suspicious criminal activity to appropriate law enforcement or prosecutorial agencies;
 - Furnishing certain information requested by the Chief Financial Officer or specified agency of any financial institution that is, or has applied to be, designated as a qualified public depository; and
 - Furnishing information to Federal Home Loan Banks regarding its member institutions.
- Any confidential information and records obtained from the OFR based on these exemptions must be maintained as confidential and exempt from public records disclosure requirements.⁶⁵

Orders to produce confidential records or information issued by courts or administrative law judges must provide for inspection in camera by the court or administrative law judge. Other procedural safeguards are provided for in the Financial Institutions Codes to protect the confidentiality of the records or information, including provisions that an order directing the release of information is reviewable by the OFR.⁶⁶

The OFR must retain the original and any copies of examination reports, investigatory records, applications, and related information compiled by the OFR for at least 10 years.⁶⁷

Anit-Money Laundering Regulation

Federal Regulation

Suspicious Activity Reports

Federal law authorizes the Secretary of Treasury to require any financial institution or any of its directors, officers, employees, or agents to report any suspicious transaction to a possible violation of law or regulation.⁶⁸ Federal regulation requires a bank to file a suspicious activity report in certain circumstances, such as the transaction involves funds derived from illegal activities, the transaction is designed to evade any requirements of the Bank Secrecy Act, or the transaction has no business or apparent lawful purpose.⁶⁹ Federal law prohibits the reporter of such information from disclosing the report.⁷⁰

Currency Transaction Report

Federal law also requires a financial institution to file a report of each deposit, withdrawal, exchange of currency or other payment or transfer by, through, or to such financial institution in currency more than \$10,000 unless an exception applies.⁷¹ Federal law makes these reports confidential and prohibits state public-records laws.⁷²

⁶⁵ *Id.*

⁶⁶ Section 655.057(7), F.S.

⁶⁷ Section 655.057(11), F.S.

⁶⁸ 31 U.S.C. s. 5318(g)(1).

⁶⁹ 31 C.F.R. s. 1020.320(2).

⁷⁰ 31 U.S.C. s. 5318(g)(2); 31 C.F.R. s. 1020.320(e).

⁷¹ 31 U.S.C. s. 5313(a); 31 C.F.R. s. 1010.311.

⁷² 31 U.S.C. s. 5319.

Florida Regulation

Florida law requires a financial institution to keep a record of each transaction in the state that involves currency or other monetary instrument that has a value greater than \$10,000 and involves proceeds of specified unlawful activity, or is designed to evade certain reporting requirements, or which the financial institution reasonably believes is suspicious activity.⁷³ Multiple financial transactions must be treated as a single transaction.⁷⁴

Each financial institution must file a report of the required records with the OFR.⁷⁵ Timely filing a report required under 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 with the appropriate federal agency is deemed compliance with the reporting requirements in Florida law unless the reports are not regularly and comprehensively transmitted by the federal agency to the OFR.⁷⁶ Florida makes the records that are required to be filed with the OFR confidential and exempt from public records disclosure requirements.⁷⁷

Regulation of Gold and Silver Coin⁷⁸

Florida adopted laws last session to recognize gold and silver as legal tender in the state if certain conditions are met.⁷⁹ The laws regulate money services businesses and financial institutions that offer products and services in gold coin⁸⁰ and silver coin.^{81,82} The laws established a new category of money transmitters, which is a type of MSB, that are regulated for safekeeping and storing gold and silver coin.⁸³

MSBs, including custodians, and financial institutions are required to comply with several consumer protections relating to gold and silver coin that are expected to result in additional information and records obtained by the OFR in the course of its investigations, examinations, application process, collection of anti-money laundering reports, and other related supervisory

⁷³ Section 655.50(5), F.S.

⁷⁴ Section 655.50(5)(a), F.S.

⁷⁵ Section 655.50(5)(d), F.S.

⁷⁶ Section 655.50(5)(e), F.S.

⁷⁷ Section 655.50(7), F.S.

⁷⁸ Chapter 2025-100, L.O.F. (providing an effective date of July 1, 2026, except as expressly provided otherwise in the act).

⁷⁹ Section 215.986, F.S.

⁸⁰ Section 215.986(1)(c), F.S., defines “gold coin” as a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 79 consists of at least 99.5 percent purity. The term does not include any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.

⁸¹ Section 215.986(1)(f), F.S., defines “silver coin” as a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 47 consists of at least 99.9 percent purity. The term does not mean any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.

⁸² Sections 560.155 and 655.97, F.S.

⁸³ Sections 560.103(26)(b), F.S. and 560.214, F.S.

functions. Examples of such information and records include, for instance, disclosure requirements,⁸⁴ financial information,⁸⁵ and chain of custody documents.⁸⁶

III. Effect of Proposed Changes:

SB 7044 expands the application of certain public records exemptions in current law to also exempt records relating to custodians of gold and silver coin. The exemptions contained in the proposed bill are those addressing:

- Money services businesses in ss. 560.129, 560.312, and 560.4041, F.S.
- Financial institutions in s. 655.057(1)-(4), (6), and (10), F.S.
- Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act in s. 655.50(5)(d), F.S.

Section 1 reenacts portions of the public records exemptions in the money services business provisions relating to the following information or records:

- Active investigations or examinations;⁸⁷
- Information obtained by the OFR during an investigation or examination which is a trade secret;⁸⁸ and
- Specified consumer complaints and other information concerning an investigation or examination after the investigation is no longer active if certain conditions are met.⁸⁹

The expanded exemptions of s. 560.129(1), (2), and (4), F.S., are subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 2 reenacts the public records exemption relating to payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor. The expanded exemption of s. 560.312, F.S., is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3 reenacts the public records exemption relating to information that identifies a drawer or a deferred presentment provider contained in a database required to be implemented by the OFR pursuant to s. 560.404(24), F.S. The expanded exemption of s. 560.4041, F.S., is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4 provides a public necessity statement for the expansion of the public records exemption of s. 560.129, F.S.

⁸⁴ Sections 560.155(1)(e) and 655.97(4)(f), F.S.

⁸⁵ Sections 560.155(1)(a) and 655.97(4)(a), F.S.

⁸⁶ Sections 560.155(1)(g) and 655.97(4)(h), F.S.

⁸⁷ Supra note 32.

⁸⁸ Supra notes 33 – 34.

⁸⁹ Supra note 35.

Section 5 reenacts portions of public records exemptions in the financial institutions provisions relating to the following information or records:

- Active investigations and after an investigation is completed if certain conditions are met;⁹⁰
- Specified reports prepared by or for the use of the OFR or any state or federal agency;⁹¹
- Certain records related to informal enforcement actions;⁹²
- Trade secrets held by the OFR;⁹³
- Those furnished or reported information or records obtained from the OFR;⁹⁴
- Confidential documents supplied to the OFR or to employees of any financial institution by other state or federal governmental agencies.⁹⁵

The expanded exemption in s. 655.057(1)-(4), (6), and (10), F.S., are subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 6 provides a public necessity statement for the expansion of the public records exemption of s. 655.057, F.S.

Section 7 reenacts the public records exemption for all reports and records filed with the OFR under the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act (“Control of Money Laundering and Terrorist Financing Act”).

Generally, a public records exemption must be reviewed and saved from appeal or the exemption will be repealed on October 2nd of the 5th year after enactment (“OGSR”).⁹⁶ However, this requirement does not apply to an exemption that is required by federal law.⁹⁷ Since federal law prohibits the disclosure of the existence of a suspicious activity report (SAR) and any information that would reveal that a SAR has been filed,⁹⁸ there is no OGSR with respect to the expansion of the public records exemption in the Control of Money Laundering and Terrorist Financing Act.

Section 8 provides a public necessity statement for the expansion of the public records exemption of s. 655.50, F.S.

Section 9 provides the bill is effective on the same date that sections 1 through 15 of chapter 2025-100, Laws of Florida, become effective.

⁹⁰ Supra notes 41 – 43.

⁹¹ Supra notes 44 – 47.

⁹² Supra notes 48 – 49.

⁹³ Supra notes 50 - 51.

⁹⁴ Supra notes 58-59.

⁹⁵ Supra note 56.

⁹⁶ Section 119.15(2) and (3), F.S.

⁹⁷ Section 119.15(2)(a), F.S.

⁹⁸ 31 U.S.C. s. 5318(g)(2); 31 C.F.R. s. 1020.320(e).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

There is no anticipated fiscal impact on state or local government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 560.129, 560.312, 560.4041, 655.057, and 655.50

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

FOR CONSIDERATION By the Committee on Banking and Insurance

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1 A bill to be entitled
 2 An act relating to public records; reenacting and
 3 amending s. 560.129, F.S.; expanding a public records
 4 exemption for certain information obtained by the
 5 Office of Financial Regulation concerning or during
 6 the course of an investigation or examination
 7 conducted by the office, including customer and
 8 consumer complaints, to incorporate the inclusion of
 9 money transmitters acting as custodians of gold coin
 10 and silver coin as authorized by chapter 2025-100,
 11 Laws of Florida; providing for future legislative
 12 review and repeal of the exemption; reenacting and
 13 amending s. 560.312, F.S.; expanding a public records
 14 exemption for payment instrument transactions to
 15 incorporate the inclusion of money transmitters acting
 16 as custodians of gold coin and silver coin as
 17 authorized by chapter 2025-100, Laws of Florida;
 18 providing for future legislative review and repeal of
 19 the exemption; amending s. 560.4041, F.S.; expanding a
 20 public records exemption for deferred presentment
 21 transactions to incorporate the inclusion of money
 22 transmitters acting as custodians of gold coin and
 23 silver coin as authorized by chapter 2025-100, Laws of
 24 Florida; providing for future legislative review and
 25 repeal of the exemption; providing a statement of
 26 public necessity; reenacting and amending s. 655.057,
 27 F.S.; expanding a public records exemption for certain
 28 information obtained by the office concerning an
 29 investigation or examination conducted by the office,

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30 including reports or papers of examinations,
 31 operations, or condition and trade secrets, to
 32 incorporate the inclusion of financial institutions
 33 acting as custodians of gold coin and silver coin as
 34 authorized by chapter 2025-100, Laws of Florida;
 35 providing for future legislative review and repeal of
 36 the exemption; providing a statement of public
 37 necessity; reenacting and amending s. 655.50, F.S.;
 38 expanding a public records exemption for reports and
 39 records filed with the office to incorporate the
 40 inclusion of financial institutions acting as
 41 custodians of gold coin and silver coin as authorized
 42 by chapter 2025-100, Laws of Florida; providing a
 43 statement of public necessity; providing a contingent
 44 effective date.
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Subsection (8) is added to section 560.129,
 49 Florida Statutes, and subsections (1), (2), and (4) of that
 50 section are reenacted, to read:
 51 560.129 Confidentiality.—
 52 (1) Except as otherwise provided in this section, all
 53 information concerning an investigation or examination conducted
 54 by the office pursuant to this chapter, including any customer
 55 complaint received by the office or the Department of Financial
 56 Services, is confidential and exempt from s. 119.07(1) and s.
 57 24(a), Art. I of the State Constitution until the investigation
 58 or examination ceases to be active. For purposes of this

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59 section, an investigation or examination is considered "active"
60 so long as the office or any other administrative, regulatory,
61 or law enforcement agency of any jurisdiction is proceeding with
62 reasonable dispatch and has a reasonable good faith belief that
63 action may be initiated by the office or other administrative,
64 regulatory, or law enforcement agency.

65 (2) All information obtained by the office in the course of
66 its investigation or examination which is a trade secret, as
67 defined in s. 688.002, or which is personal financial
68 information shall remain confidential and exempt from s.
69 119.07(1) and s. 24(a), Art. I of the State Constitution. If any
70 administrative, civil, or criminal proceeding against a money
71 services business, its authorized vendor, or an affiliated party
72 is initiated and the office seeks to use matter that a licensee
73 believes to be a trade secret or personal financial information,
74 such records shall be subject to an in camera review by the
75 administrative law judge, if the matter is before the Division
76 of Administrative Hearings, or a judge of any court of this
77 state, any other state, or the United States, as appropriate,
78 for the purpose of determining if the matter is a trade secret
79 or is personal financial information. If it is determined that
80 the matter is a trade secret, the matter shall remain
81 confidential. If it is determined that the matter is personal
82 financial information, the matter shall remain confidential
83 unless the administrative law judge or judge determines that, in
84 the interests of justice, the matter should become public.

85 (4) Except as necessary for the office or any other
86 administrative, regulatory, or law enforcement agency of any
87 jurisdiction to enforce the provisions of this chapter or the

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88 law of any other state or the United States, a consumer
89 complaint and other information concerning an investigation or
90 examination shall remain confidential and exempt from s.
91 119.07(1) and s. 24(a), Art. I of the State Constitution after
92 the investigation or examination ceases to be active to the
93 extent that disclosure would:

94 (a) Jeopardize the integrity of another active
95 investigation;

96 (b) Reveal personal financial information;

97 (c) Reveal the identity of a confidential source; or

98 (d) Reveal investigative techniques or procedures.

99 (8) Subsections (1), (2), and (4) are subject to the Open
100 Government Sunset Review Act in accordance with s. 119.15 and
101 shall stand repealed on October 2, 2031, unless reviewed and
102 saved from repeal through reenactment by the Legislature.

103 Section 2. Subsection (4) is added to section 560.312,
104 Florida Statutes, and subsection (1) of that section is
105 reenacted, to read:

106 560.312 Database of payment instrument transactions;
107 confidentiality.—

108 (1) Payment instrument transaction information held by the
109 office pursuant to s. 560.310 which identifies a licensee,
110 payor, payee, or conductor is confidential and exempt from s.
111 119.07(1) and s. 24(a), Art. I of the State Constitution.

112 (4) Subsection (1) is subject to the Open Government Sunset
113 Review Act in accordance with s. 119.15 and shall stand repealed
114 on October 2, 2031, unless reviewed and saved from repeal
115 through reenactment by the Legislature.

116 Section 3. Section 560.4041, Florida Statutes, is amended

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117 to read:

118 560.4041 Database for deferred presentment providers;
119 public records exemption.-

120 (1) Information that identifies a drawer or a deferred
121 presentment provider contained in the database authorized under
122 s. 560.404 is confidential and exempt from s. 119.07(1) and s.
123 24(a), Art. I of the State Constitution. A deferred presentment
124 provider may access information that it has entered into the
125 database and may obtain an eligibility determination for a
126 particular drawer based on information in the database.

127 (2) Subsection (1) is subject to the Open Government Sunset
128 Review Act in accordance with s. 119.15 and shall stand repealed
129 on October 2, 2031, unless reviewed and saved from repeal
130 through reenactment by the Legislature.

131 Section 4. (1) The Legislature finds all of the following:

132 (a) That it is a public necessity that all information
133 concerning an investigation or examination of a money services
134 business conducted by the Office of Financial Regulation
135 pursuant to chapter 560, Florida Statutes, including a consumer
136 complaint, be made confidential and exempt from s. 119.07(1),
137 Florida Statutes, and s. 24(a), Article I of the State
138 Constitution until the investigation or examination ceases to be
139 active. The Legislature further finds that such information
140 should remain confidential and exempt from s. 119.07(1), Florida
141 Statutes, and s. 24(a), Article I of the State Constitution
142 after the investigation or examination ceases to be active if
143 its disclosure would jeopardize the office's investigations by
144 revealing techniques or procedures or otherwise reveal
145 information that is being used in another investigation, or if

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146 disclosure would reveal personal financial information or a
147 confidential source.

148 (b) That it is a public necessity that trade secrets or
149 personal financial information obtained by the office in the
150 course of an investigation or examination pursuant to chapter
151 560, Florida Statutes, be made confidential and exempt from s.
152 119.07(1), Florida Statutes, and s. 24(a), Article I of the
153 State Constitution, unless an administrative law judge or
154 circuit judge determines that the release of personal financial
155 information to the public is in the interest of justice.

156 (c) That it is a public necessity that payment instrument
157 transaction information held by the office pursuant to s.
158 560.310, Florida Statutes, which identifies a licensee, payor,
159 payee, or conductor be made confidential and exempt from s.
160 119.07(1), Florida Statutes, and s. 24(a), Article I of the
161 State Constitution.

162 (d) That it is a public necessity that deferred presentment
163 transaction information held by the office pursuant to s.
164 560.404, Florida Statutes, which identifies a drawer or a
165 deferred presentment provider be made confidential and exempt
166 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
167 the State Constitution.

168 (2) Information specified in paragraphs (1)(a) and (b) is
169 held by the office in conjunction with its investigations and
170 examinations of money services businesses, which include money
171 transmitters, as defined in s. 560.103, Florida Statutes, as
172 amended by chapter 2025-100, Laws of Florida, to include
173 custodians of gold coin or silver coin. Custodians of gold coin
174 or silver coin are thus subject to investigation or examination

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175 by the office. As a result, the office may receive sensitive
 176 personal and financial information relating to such entities in
 177 conjunction with its duties under chapter 560, Florida Statutes.
 178 An exemption from public records requirements provides the same
 179 protections to custodians of gold coin or silver coin as are
 180 afforded to other money services businesses, thereby preventing
 181 any disadvantage to these similarly regulated entities in
 182 comparison to other entities currently classified as money
 183 services businesses. An exemption from public records
 184 requirements for reports of examinations, operations, or
 185 condition, including working papers, is necessary to ensure the
 186 office's ability to effectively and efficiently administer its
 187 examination and investigation duties. Examination and
 188 investigation are essential components of financial institutions
 189 regulation. They deter fraud and ensure the safety and soundness
 190 of the financial system. Examinations also provide a means of
 191 early detection of violations, allowing for corrective action to
 192 be taken before any harm can be done. Release of such
 193 information could compromise the office's investigations and
 194 examinations, reveal investigative techniques, or result in the
 195 disclosure of an individual's personal financial information.
 196 Such disclosure could also result in the release of inaccurate
 197 information, which could harm the subject of the examination or
 198 investigation, or otherwise impair commerce relating to money
 199 services businesses. The Legislature finds that there is little
 200 public benefit derived from access to such information during
 201 the office's investigation or examination, and that the
 202 exemption is narrowly tailored to allow for release except where
 203 the public benefit is outweighed by harm to either the office's

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204 investigations or to individuals whose personal financial
 205 information may be disclosed.
 206 (3) Information specified in paragraphs (1)(c) and (d) held
 207 by the office in its database of payment instrument transactions
 208 pursuant to s. 560.312, Florida Statutes, and deferred
 209 presentment transactions pursuant to s. 560.404, Florida
 210 Statutes, may include information that identifies money
 211 transmitters, as defined in s. 560.103, Florida Statutes, as
 212 amended by chapter 2025-100, Laws of Florida, to include
 213 custodians of gold coin or silver coin. As a result, the office
 214 may receive sensitive personal and financial information
 215 relating to custodians of gold coin or silver coin that cash a
 216 payment instrument exceeding \$1,000 or deferred presentment
 217 transactions for a particular person. An exemption from public
 218 records requirements for custodians of gold coin and silver coin
 219 provides the same protections to custodians of gold coin or
 220 silver coin as are afforded to other money services businesses,
 221 thereby preventing any disadvantage to these similarly regulated
 222 entities in comparison to other entities currently classified as
 223 money services businesses. An exemption from public records
 224 requirements for payment instrument transactions is necessary to
 225 deter money laundering and identity theft and related crimes
 226 through such custodians. The availability of this information to
 227 the office will help increase premium collection, lower costs to
 228 insurance carriers, and alleviate premium avoidance, as well as
 229 reduce the cost of administering these public programs. However,
 230 the public availability of payment instrument transaction or
 231 deferred presentment transaction information would reveal
 232 sensitive, personal financial information about payees and

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233 conductors who use check-cashing and deferred presentment
 234 programs, including paycheck amounts, salaries, and business
 235 activities, as well as information regarding the financial
 236 stability of these custodians. Such information is traditionally
 237 private and sensitive. Protecting the confidentiality of such
 238 information that would identify these payees and custodians
 239 would provide adequate protection for these persons while still
 240 providing public oversight of the check-cashing and deferred
 241 presentment programs. The public release of payment instrument
 242 transaction and deferred presentment transaction information
 243 would also identify licensees or payors and reveal business
 244 transaction information that is traditionally private and could
 245 be used by competitors to harm other licensees or payors in the
 246 marketplace. If such information were publicly available,
 247 competitors could determine the amount of business conducted by
 248 other licensees or payors.

249 Section 5. Subsection (15) is added to section 655.057,
 250 Florida Statutes, and subsections (1) through (4), (6), and (10)
 251 of that section are reenacted, to read:

252 655.057 Records; limited restrictions upon public access.—

253 (1) Except as otherwise provided in this section and except
 254 for such portions thereof which are otherwise public record, all
 255 records and information relating to an investigation by the
 256 office are confidential and exempt from s. 119.07(1) and s.
 257 24(a), Art. I of the State Constitution until such investigation
 258 is completed or ceases to be active. For purposes of this
 259 subsection, an investigation is considered "active" while such
 260 investigation is being conducted by the office with a
 261 reasonable, good faith belief that it may lead to the filing of

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262 administrative, civil, or criminal proceedings. An investigation
 263 does not cease to be active if the office is proceeding with
 264 reasonable dispatch, and there is a good faith belief that
 265 action may be initiated by the office or other administrative or
 266 law enforcement agency. After an investigation is completed or
 267 ceases to be active, portions of the records relating to the
 268 investigation are confidential and exempt from s. 119.07(1) and
 269 s. 24(a), Art. I of the State Constitution to the extent that
 270 disclosure would:

271 (a) Jeopardize the integrity of another active
 272 investigation;

273 (b) Impair the safety and soundness of the financial
 274 institution;

275 (c) Reveal personal financial information;

276 (d) Reveal the identity of a confidential source;

277 (e) Defame or cause unwarranted damage to the good name or
 278 reputation of an individual or jeopardize the safety of an
 279 individual; or

280 (f) Reveal investigative techniques or procedures.

281 (2) Except as otherwise provided in this section and except
 282 for such portions thereof which are public record, reports of
 283 examinations, operations, or condition, including working
 284 papers, or portions thereof, prepared by, or for the use of, the
 285 office or any state or federal agency responsible for the
 286 regulation or supervision of financial institutions in this
 287 state are confidential and exempt from s. 119.07(1) and s.
 288 24(a), Art. I of the State Constitution. However, such reports
 289 or papers or portions thereof may be released to:

290 (a) The financial institution under examination;

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291 (b) Any holding company of which the financial institution
 292 is a subsidiary;

293 (c) Proposed purchasers if necessary to protect the
 294 continued financial viability of the financial institution, upon
 295 prior approval by the board of directors of such institution;

296 (d) Persons proposing in good faith to acquire a
 297 controlling interest in or to merge with the financial
 298 institution, upon prior approval by the board of directors of
 299 such financial institution;

300 (e) Any officer, director, committee member, employee,
 301 attorney, auditor, or independent auditor officially connected
 302 with the financial institution, holding company, proposed
 303 purchaser, or person seeking to acquire a controlling interest
 304 in or merge with the financial institution; or

305 (f) A fidelity insurance company, upon approval of the
 306 financial institution's board of directors. However, a fidelity
 307 insurance company may receive only that portion of an
 308 examination report relating to a claim or investigation being
 309 conducted by such fidelity insurance company.

310 (g) Examination, operation, or condition reports of a
 311 financial institution shall be released by the office within 1
 312 year after the appointment of a liquidator, receiver, or
 313 conservator to the financial institution. However, any portion
 314 of such reports which discloses the identities of depositors,
 315 bondholders, members, borrowers, or stockholders, other than
 316 directors, officers, or controlling stockholders of the
 317 institution, shall remain confidential and exempt from s.
 318 119.07(1) and s. 24(a), Art. I of the State Constitution.
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320 Any confidential information or records obtained from the office
 321 pursuant to this subsection shall be maintained as confidential
 322 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 323 Constitution.

324 (3) Except as otherwise provided in this section and except
 325 for those portions that are otherwise public record, after an
 326 investigation relating to an informal enforcement action is
 327 completed or ceases to be active, informal enforcement actions
 328 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 329 I of the State Constitution to the extent that disclosure would:

330 (a) Jeopardize the integrity of another active
 331 investigation.

332 (b) Impair the safety and soundness of the financial
 333 institution.

334 (c) Reveal personal financial information.

335 (d) Reveal the identity of a confidential source.

336 (e) Defame or cause unwarranted damage to the good name or
 337 reputation of an individual or jeopardize the safety of an
 338 individual.

339 (f) Reveal investigative techniques or procedures.

340 (4) Except as otherwise provided in this section and except
 341 for those portions that are otherwise public record, trade
 342 secrets as defined in s. 688.002 which comply with s. 655.0591
 343 and which are held by the office in accordance with its
 344 statutory duties with respect to the financial institutions
 345 codes are confidential and exempt from s. 119.07(1) and s.
 346 24(a), Art. I of the State Constitution.

347 (6) This section does not prevent or restrict:

348 (a) Publishing reports that are required to be submitted to

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349 the office pursuant to s. 655.045(2) or required by applicable
350 federal statutes or regulations to be published.

351 (b) Furnishing records or information to any other state,
352 federal, or foreign agency responsible for the regulation or
353 supervision of financial institutions.

354 (c) Disclosing or publishing summaries of the condition of
355 financial institutions and general economic and similar
356 statistics and data, provided that the identity of a particular
357 financial institution is not disclosed.

358 (d) Reporting any suspected criminal activity, with
359 supporting documents and information, to appropriate law
360 enforcement and prosecutorial agencies.

361 (e) Furnishing information upon request to the Chief
362 Financial Officer or the Division of Treasury of the Department
363 of Financial Services regarding the financial condition of any
364 financial institution that is, or has applied to be, designated
365 as a qualified public depository pursuant to chapter 280.

366 (f) Furnishing information to Federal Home Loan Banks
367 regarding its member institutions pursuant to an information
368 sharing agreement between the Federal Home Loan Banks and the
369 office.

370
371 Any confidential information or records obtained from the office
372 pursuant to this subsection shall be maintained as confidential
373 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
374 Constitution.

375 (10) Materials supplied to the office or to employees of
376 any financial institution by other state or federal governmental
377 agencies remain the property of the submitting agency or the

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378 corporation, and any document request must be made to the
379 appropriate agency. Any confidential documents supplied to the
380 office or to employees of any financial institution by other
381 state or federal governmental agencies are confidential and
382 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
383 Constitution. Such information shall be made public only with
384 the consent of such agency or the corporation.

385 (15) Subsections (1)-(4), (6), and (10) are subject to the
386 Open Government Sunset Review Act in accordance with s. 119.15
387 and are repealed October 2, 2031, unless reviewed and saved from
388 repeal through reenactment by the Legislature.

389 Section 6. (1) The Legislature finds that it is a public
390 necessity that all records and information relating to an
391 investigation by the Office of Financial Regulation undertaken
392 pursuant to chapter 655, Florida Statutes, be made confidential
393 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
394 Article I of the State Constitution until the investigation
395 ceases to be active. The Legislature further finds that such
396 information should remain confidential and exempt from s.
397 119.07(1), Florida Statutes, and s. 24(a), Article I of the
398 State Constitution after the investigation ceases to be active
399 if its disclosure would jeopardize the office's investigations
400 by revealing techniques or procedures, or otherwise reveal
401 information that is being used in another investigation; reveal
402 personal financial information or a confidential source; or
403 defame or cause unwarranted damage to an individual's reputation
404 or jeopardize his or her safety.

405 (2) Information specified in s. 655.057(1)-(4), (6), and
406 (10) is held by the office in conjunction with investigations of

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407 financial institutions which may include records concerning gold
 408 coin or silver coin products or services offered by such
 409 institutions, as authorized in s. 215.986(2) (e), Florida
 410 Statutes, enacted in chapter 2025-100, Laws of Florida. As a
 411 result, the office may receive sensitive personal and financial
 412 information relating to such institutions in conjunction with
 413 its duties under chapter 655, Florida Statutes. An exemption
 414 from public records requirements provides the same protections
 415 to custodians of gold coin or silver coin as are afforded to
 416 other financial institutions, thereby preventing any
 417 disadvantage to these similarly regulated entities in comparison
 418 to other entities currently classified as financial
 419 institutions. An exemption from public records requirements for
 420 reports of examinations, operations, or condition, including
 421 working papers, is necessary to ensure the office's ability to
 422 effectively and efficiently administer its examination and
 423 investigation duties. Examination and investigation are
 424 essential components of financial institutions regulation. They
 425 deter fraud and ensure the safety and soundness of the financial
 426 system. Examinations also provide a means of early detection of
 427 violations, allowing for corrective action to be taken before
 428 any harm can be done.

429 (3) The Legislature finds that it is a public necessity to
 430 make confidential and exempt from s. 119.07(1), Florida
 431 Statutes, and s. 24(a), Article I of the State Constitution
 432 records and information relating to an investigation by the
 433 Office of Financial Regulation; portions of records relating to
 434 a completed or inactive investigation by the office which would
 435 jeopardize the integrity of another active investigation, impair

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436 the safety and soundness of the financial institution, reveal
 437 personal financial information, reveal the identity of a
 438 confidential source, defame or cause unwarranted damage to the
 439 good name or reputation of an individual or jeopardize the
 440 safety of an individual, or reveal investigative techniques or
 441 procedures; reports of examinations, operations, or condition,
 442 including working papers, or portions thereof, prepared by, or
 443 for the use of, the office or any state or federal agency
 444 responsible for the regulation or supervision of financial
 445 institutions in this state, until 1 year after the appointment
 446 of a liquidator; any portion of such reports which discloses the
 447 identities of depositors, bondholders, members, borrowers, or
 448 stockholders, other than directors, officers, or controlling
 449 stockholders of the institution; trade secrets held by the
 450 office in accordance with its statutory duties under chapter
 451 655, Florida Statutes, unless an administrative law judge or
 452 circuit judge determines that the release of personal financial
 453 information to the public is in the interest of justice; and
 454 materials supplied to the office or to employees of any
 455 financial institution by other state or federal governmental
 456 agencies.

457 (4) Release of information specified in s. 655.057(1)-(4),
 458 (6), and (10) could compromise the office's investigations and
 459 examinations, reveal investigative techniques, result in the
 460 disclosure of an individual's personal financial information, or
 461 defame or cause unwarranted damage to the good name or
 462 reputation of an individual or entity or jeopardize his or her
 463 safety. Such disclosure could also result in the spread of
 464 inaccurate information, which could harm the subject of the

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465 examination or investigation, or otherwise impair commerce
 466 conducted by financial institutions in this state. Any portion
 467 of a record or information relating to an investigation or
 468 examination which reveals personal financial information or the
 469 identity of a confidential source may defame, or cause
 470 unwarranted damage to the good name or reputation of, those
 471 individuals, or jeopardize their safety.

472 (5) A trade secret derives independent economic value,
 473 actual or potential, from not being generally known to, and not
 474 readily ascertainable by, other persons who can obtain economic
 475 value from the disclosure or use of the trade secret. Without an
 476 exemption for a trade secret held by the office in accordance
 477 with its duties prescribed by chapter 655, Florida Statutes,
 478 that trade secret becomes a public record when received and must
 479 be divulged upon request. Divulging a trade secret under the
 480 public records law would give business competitors an unfair
 481 advantage and destroy the value of that property, causing a
 482 financial loss to the person or entity submitting the trade
 483 secret and weakening the position of that person or entity in
 484 the marketplace.

485 (6) The Legislature finds that there is little public
 486 benefit derived from access to such information during the
 487 office's investigation, and that the exemption is narrowly
 488 tailored to allow for release except when the public benefit is
 489 outweighed by harm to individuals or institutions, when the
 490 disclosure would jeopardize other investigations, reveal the
 491 office's investigative techniques or procedures, or expose
 492 personal financial information or a confidential source.

493 Section 7. Subsection (7) of section 655.50, Florida

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494 Statutes, is amended, and paragraph (d) of subsection (5) of
 495 this section is reenacted, to read:

496 655.50 Florida Control of Money Laundering and Terrorist
 497 Financing in Financial Institutions Act.—

498 (5) A financial institution shall keep a record of each
 499 financial transaction occurring in this state known to it which
 500 involves currency or other monetary instrument, as the
 501 commission prescribes by rule, has a value greater than \$10,000,
 502 and involves the proceeds of specified unlawful activity, or is
 503 designed to evade the reporting requirements of this section,
 504 chapter 896, or similar state or federal law, or which the
 505 financial institution reasonably believes is suspicious
 506 activity. Each financial institution shall maintain appropriate
 507 procedures to ensure compliance with this section, chapter 896,
 508 and other similar state or federal law. Any report of suspicious
 509 activity made pursuant to this subsection is entitled to the
 510 same confidentiality provided under 31 C.F.R. s. 1020.320,
 511 whether the report or information pertaining to or identifying
 512 the report is in the possession or control of the office or the
 513 reporting institution.

514 (d) Each financial institution shall file a report of the
 515 records required under this subsection with the office. Each
 516 report shall be filed at such time and must contain such
 517 information as the commission requires by rule.

518 (7) All reports and records filed with the office pursuant
 519 to this section are confidential and exempt from s. 119.07(1)
 520 and s. 24(a), Art. I of the State Constitution. However, the
 521 office shall provide any report filed pursuant to this section,
 522 or information contained therein, to federal, state, and local

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523 law enforcement and prosecutorial agencies, and any federal or
 524 state agency responsible for the regulation or supervision of
 525 financial institutions.

526 Section 8. (1) The Legislature finds that it is a public
 527 necessity that all reports and records filed with the Office of
 528 Financial Regulation be made confidential and exempt from s.
 529 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 530 State Constitution unless disclosure is requested by a federal,
 531 state, or local law enforcement or prosecutorial agency or any
 532 federal or state agency responsible for the regulation or
 533 supervision of financial institutions. Information regarding
 534 potential money laundering or terrorism must be safeguarded to
 535 prevent the potential offender from being tipped off or
 536 circumventing an investigation conducted by the office, and
 537 disclosure of such information could harm the office's
 538 investigations.

539 (2) These reports and records are held by the office in
 540 conjunction with its duties pursuant to 31 U.S.C. s. 5313 and 31
 541 C.F.R. part 1020 and its investigations of financial
 542 institutions' transactions involving monetary instruments
 543 concerning gold coin or silver coin products or services offered
 544 by such institutions, as authorized in s. 215.986(2) (e), Florida
 545 Statutes, enacted in chapter 2025-100, Laws of Florida, to
 546 include any transactions involving gold coin or silver coin
 547 products or services offered by such financial institutions. As
 548 a result, the office may receive sensitive personal and
 549 financial information relating to such entities in conjunction
 550 with its duties under chapter 655, Florida Statutes. An
 551 exemption from public records requirements provides the same

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552 protections to custodians of gold coin or silver coin as are
 553 afforded to other financial institutions, thereby preventing any
 554 disadvantage to these similarly regulated entities in comparison
 555 to other entities currently classified as financial
 556 institutions. An exemption from public records requirements for
 557 reports and records submitted to the office is necessary to
 558 ensure the office's ability to effectively and efficiently
 559 administer its investigation duties. Examination and
 560 investigation are essential components of financial institutions
 561 regulation. They deter fraud and ensure the safety and soundness
 562 of the financial system. Examinations also provide a means of
 563 early detection of violations, allowing for corrective action to
 564 be taken before any harm can be done.

565 Section 9. This act shall take effect on the same date that
 566 sections 1 through 15 of chapter 2025-100, Laws of Florida,
 567 become effective.

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THE FLORIDA SENATE

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COMMITTEES:

Appropriations Committee
on Pre-K-12 Education,
Vice Chair

Regulated Industries,
Vice Chair

Appropriations

Appropriations Committee
on Agriculture,
Environment, and General
Government

Banking and Insurance

Community Affairs

Criminal Justice

Rules

Joint Legislative Auditing
Committee

BEN ALBRITTON

President of the Senate

JASON BRODEUR

President Pro Tempore

February 11, 2026

The Honorable Senator Gruters
Chairman, Banking and Insurance
320 Knott Building
404 South Monroe
Tallahassee, FL 32399

Chair Gruters,

I respectfully request to be excused from today's Banking and Insurance meeting. Thank you for your cooperation.

Sincerely,

Jason Pizzo

CourtSmart Tag Report

Room: KB 412
Caption: Senate Committee on Banking and Insurance

Case No.:

Type:
Judge:

Started: 2/11/2026 9:04:08 AM

Ends: 2/11/2026 9:57:51 AM

Length: 00:53:44

9:04:10 AM the Committee on Banking & Insurance will come to order
9:04:13 AM roll call
9:04:27 AM quorum present
9:04:51 AM tab 9 is TP'd
9:05:03 AM tab 7 is TP'd
9:05:28 AM tab 1 - CS/SB 326
9:05:40 AM Sen. Burgess explains the bill
9:05:47 AM Reagan Mullins waives in support
9:05:56 AM sponsor waives close
9:06:15 AM CS/SB 326 is reported favorably
9:06:32 AM Tab 6 - SB 1256 by Sen. Grall
9:07:46 AM Kevin Duane speaks for
9:10:41 AM Kelly Mallette, representing the Fla. Pharmacy Assn., waives in support
9:10:56 AM Reagan Mullins waives in support
9:11:09 AM SB 1256 is reported favorably
9:11:25 AM tab 2 - SB 598 by Truenow
9:11:32 AM sponsor explains the bill
9:13:01 AM amendment 834316 taken up
9:13:15 AM questions by Leader Boyd
9:14:15 AM amendment adopted
9:14:29 AM Sen. Osgood has questions on bill as amended
9:15:25 AM Timothy Kitchen of the Fla. Mortician Assn. waives in support
9:15:40 AM Heather Bernier of Indep. Funeral Dirs. of Fla. waives in support
9:15:59 AM Rich Meadows w/ FCCFA waives in support
9:16:17 AM CS/SB 598 favorable
9:16:34 AM tab 3 - SB 632 by DiCeglie
9:17:11 AM speakers
9:17:22 AM Matthew Posgay speaks against
9:18:26 AM Mathew Van Name, representing Lyft, Inc., waives in support
9:18:31 AM sponsor waives close
9:18:51 AM SB 632 is favorable
9:19:18 AM tab 4 - CS/SB 786 by Sen. Berman
9:19:26 AM sponsor explains the bill
9:20:15 AM speakers
9:20:29 AM Ann Palecki, representing Fla. Bankers Assn., waives in support
9:20:38 AM Martha Edenfield, representing Real Prop./Probate/Trust Law Sec. of the Fla. Bar, waives in support
9:20:44 AM sponsor waives close
9:21:00 AM CS/SB 786 favorable
9:21:28 AM tab 5 - SB 1110 by Sen. Truenow
9:22:24 AM Strike All amendment 277724 taken up
9:22:48 AM amendment adopted
9:22:55 AM speakers
9:23:22 AM Kim Baltz w/ Amputee Coalition of Amer. speaks in favor
9:24:56 AM Tobias King speaks in favor
9:27:22 AM Ansel Meadows-Rader speaks in favor
9:31:22 AM Melissa Meadows speaks in favor
9:36:21 AM Joe Kalicki speaks in favor
9:38:06 AM Olivia Keller of the Amputee Coalition speaks in favor
9:42:18 AM Peter Quintanilla, representing Int'l Inst. of Orthotics & Prosthetics, waives in support
9:42:27 AM Keegan Allison waives in support
9:42:44 AM Leader Boyd speaks in debate
9:43:00 AM Sen. Hooper in debate

9:43:38 AM Sen. Osgood in debate
9:44:28 AM Sen. Sharief in debate
9:45:17 AM Sen. Burton in debate
9:47:51 AM Sen. Truenow closes on bill
9:48:43 AM CS/SB 1110 reported favorably
9:48:51 AM gavel to Vice Chair Sharief
9:49:03 AM tab 8 - SB 1588 by Sen. Gruters
9:49:55 AM Sen. Osgood in questions
9:51:20 AM Vice Chair Sharief in questions
9:51:49 AM Mike Carter waives in support
9:52:00 AM President Passidomo in debate
9:53:26 AM Leader Boyd in debate
9:54:13 AM Sen. Gruters closes on bill
9:54:49 AM SB 1588 reported favorably
9:55:11 AM tab 10 - SPB 7044 by Sen. Gruters
9:56:01 AM SPB 7044 is reported as a committee bill
9:56:27 AM SPB 7044 is reported favorably as a committee bill
9:56:36 AM gavel goes back to Chair Gruters
9:57:04 AM Sen. Osgood - affirmative on tab 1 for Vote After
9:57:12 AM Sen. Martin - affirmative on tab 1 for Vote After
9:57:29 AM Sen. Berman - affirmative on tab 1 & 6 for Vote After
9:57:37 AM meeting is adjourned