

Agenda Order

Tab 7	SB 204 by Bradley ; Compare to CS/CS/CS/H 00189 Gaming						
364546	A	S	RCS	AEG, Bradley	Delete L.131 - 134:	02/12 05:59 PM	
Tab 8	CS/SB 540 by BI, Martin ; Similar to CS/H 00381 Office of Financial Regulation						
704244	A	S	RCS	AEG, Martin	Delete L.96 - 971:	02/12 05:59 PM	
Tab 9	CS/SB 772 by BI, Burgess ; Similar to CS/H 00645 Limited Licenses for Portable Electronics or Eyewear Insurance						
Tab 10	CS/SB 1294 by EN, Bradley ; Similar to CS/H 01245 Biosolids Management						
419922	D	S	RCS	AEG, Bradley	Delete everything after	02/12 05:59 PM	
Tab 11	CS/SB 1474 by EN, Gaetz ; Similar to CS/H 01285 Biosolids Management						
Tab 12	CS/SB 1504 by BI, Calatayud ; Similar to CS/H 01343 Insurance Customer Representative Licensing Qualifications						
Tab 13	SB 1708 by Gaetz ; Similar to H 01509 Veterinary Licensure						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
 ENVIRONMENT, AND GENERAL GOVERNMENT**

**Senator Brodeur, Chair
 Senator Berman, Vice Chair**

MEETING DATE: Thursday, February 12, 2026
TIME: 4:30—6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Arrington, DiCeglie, Grall, Massullo, McClain, Pizzo, Rodriguez, Sharief, and Truenow

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Review and Discussion of Fiscal Year 2026-2027 Budget Issues Relating to: Department of Agriculture and Consumer Services Department of Citrus Department of Environmental Protection Fish and Wildlife Conservation Commission Department of Business and Professional Regulation Department of Financial Services Office of Financial Regulation Offices of Insurance Regulation Florida Gaming Control Commission Department of Lottery Department of Management Services Division of Administrative Hearings Florida Commission of Human Relations Public Employees Relations Commission Public Service Commission Department of Revenue		Not Considered

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Governing Board of the South Florida Water Management District			
4	Spottswood, Robert A., Jr. (Key West)	03/01/2030	Recommend Confirm Yeas 7 Nays 0
Governing Board of the Northwest Florida Water Management District			
2	Morgan, Tom (Apalachicola)	03/01/2027	Recommend Confirm Yeas 7 Nays 0
3	Roberts, George A. (Panama City)	03/01/2030	Recommend Confirm Yeas 7 Nays 0
Governing Board of the South Florida Water Management District			
5	Roman, Charlette I. (Marco Island)	03/01/2029	Recommend Confirm Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
 Thursday, February 12, 2026, 4:30—6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Governing Board of the Southwest Florida Water Management District			
6	Aungst, Brian J., Jr. (Clearwater)	03/01/2026	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 204 Bradley (Compare CS/CS/CS/H 189, H 591, S 1164, CS/S 1580)	Gaming; Requiring certain organizations, before purchasing, installing, or operating a game or machine on their premises, or that already have a game or machine installed on their premises, and are in doubt about whether such game or machine meets the definition of an amusement game or machine, to petition the Florida Gaming Control Commission for a declaratory statement on whether the operation of such game or machine is authorized or prohibited; prohibiting such organizations from purchasing or installing a game or machine until such declaratory statement is issued; providing criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices, etc. RI 01/27/2026 Favorable AEG 02/12/2026 Fav/CS RC	Fav/CS Yeas 10 Nays 0

8	CS/SB 540 Banking and Insurance / Martin (Similar CS/H 381, Compare H 777, Linked CS/S 1440)	Office of Financial Regulation; Requiring loan originators, mortgage brokers, and mortgage lenders to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; providing requirements for such programs; providing additional acts that constitute a ground for specified disciplinary actions against loan originators and mortgage brokers; requiring money services businesses to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; requiring financial institutions to take measures to protect and secure certain data that contain personal information; providing requirements for notices of security breaches to the office, the Department of Legal Affairs, certain individuals, and certain credit reporting agencies, etc. BI 01/13/2026 Fav/CS AEG 02/12/2026 Fav/CS RC	Fav/CS Yeas 10 Nays 0
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COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
 Thursday, February 12, 2026, 4:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 772 Banking and Insurance / Burgess (Similar CS/H 645)	Limited Licenses for Portable Electronics or Eyewear Insurance; Renaming “portable electronics insurance” as “portable electronics or eyewear insurance” to include eyewear for purposes of insurance coverage and licenses; defining the term “eyewear”; revising the definition of the term “portable electronics”, etc. BI 01/28/2026 Fav/CS AEG 02/12/2026 Favorable RC	Favorable Yeas 10 Nays 0
10	CS/SB 1294 Environment and Natural Resources / Bradley (Similar CS/H 1245)	Biosolids Management; Prohibiting the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate; requiring the University of Florida’s Institute of Food and Agricultural Sciences to publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products, based on certain criteria; authorizing bulk Class AA biosolids compost products to be distributed or marketed as soil amendments and land applied if specified requirements are met; requiring that certain bulk Class AA biosolids compost and fertilizer products be land applied only at land application sites approved by the Department of Environmental Protection, etc. EN 01/27/2026 Fav/CS AEG 02/12/2026 Fav/CS RC	Fav/CS Yeas 10 Nays 0
11	CS/SB 1474 Environment and Natural Resources / Gaetz (Similar CS/H 1285)	Biosolids Management; Prohibiting the Department of Environmental Protection from issuing or renewing a permit for certain biosolids land application sites if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment and which meets specified requirements, etc. EN 01/27/2026 Fav/CS AEG 02/12/2026 Favorable RC	Favorable Yeas 9 Nays 0
12	CS/SB 1504 Banking and Insurance / Calatayud (Similar CS/H 1343)	Insurance Customer Representative Licensing Qualifications; Revising the qualifications for applicants for a license as an insurance customer representative; requiring the Department of Education, in consultation with the Department of Financial Services, to develop a specified insurance and personal finance course no later than a specified date, etc. BI 01/28/2026 Fav/CS AEG 02/12/2026 Favorable RC	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Thursday, February 12, 2026, 4:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	SB 1708 Gaetz (Similar H 1509)	Veterinary Licensure; Deleting the requirement for an applicant for licensure by endorsement to have held a valid active license to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States for a specified amount of time; requiring applicants to hold a valid, active license in good standing to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States, etc. RI 01/27/2026 Favorable AEG 02/12/2026 Favorable RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents



RON DESANTIS
GOVERNOR

November 21, 2025

RECEIVED
2025 NOV 25 AM 10:10
COMMISSION OF ELECTIONS
TALLAHASSEE, FL

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Tom Morgan
189 Avenue B
Apalachicola, Florida 32320

as a member of the Northwest Florida Water Management District, filling a vacant seat previously occupied by Nicholas Patronis, subject to confirmation by the Senate. This appointment is effective November 21, 2025, for a term ending March 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2025 Dec 13 PM 1:37

STATE OF ~~FLORIDA~~ TENNESSEE

County of SHELBY

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT BOARD
(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Tom M. Morgan

Sworn to and subscribed before me by means of physical presence OR online notarization
this 15 day of December, 2025

[Signature]

Expires August 21, 2027

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)



Personally Known OR Produced Identification

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

189 Avenue B

Street or Post Office Box

AVALACHICOLA, FL 32320

City, State, Zip Code

Tom Morgan

Print Name

Tom Morgan

Signature

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Tom Morgan

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Twenty-First day of November,
A.D., 2025, until the First day of March, A.D., 2027 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of December, A.D., 2025.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2025 AUG 27 PM 1:55

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 22, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. George Roberts
1741 North Sherman Avenue
Panama City, Florida 32405

as a member of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective March 2, 2026, for a term ending March 1, 2030.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/dw

RECEIVED
DEPARTMENT OF STATE

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2025 SEP -5 AM 8:46

DIVISION OF ELECTIONS
TALLAHASSEE, FL.

STATE OF FLORIDA

County of BAY

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

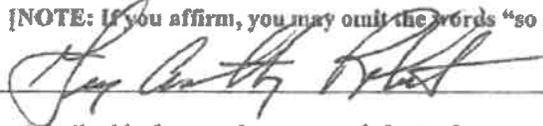
North West Florida Water Management Governing Board

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

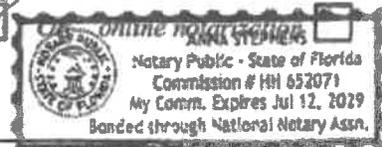
Signature



Sworn to and subscribed before me by means of physical presence
this 27 day of August, 2025.



Signature of Officer Administering Oath or of Notary Public



(To be completed only by judges administering oath - see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges - see § 92.50, Florida Statutes.)

Affix Seal Below

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

1741 Sherman Ave

Street or Post Office Box

Panama City

City, State, Zip Code

George Anthony Roberts

Print Name



Signature

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

George Anthony Roberts

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Second day of March, A.D., 2026,
until the First day of March, A.D., 2030 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of September, A.D., 2025.*



Secretary of State



DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document

RON DESANTIS
GOVERNOR

2025-12-22 11:09:26

December 22, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

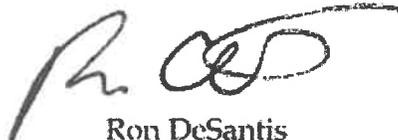
Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Robert Spottswood Jr.
506 Fleming Street
Key West, Florida 33040

as a member of the South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective March 2, 2026, for a term ending March 1, 2030.

Sincerely,



Ron DeSantis
Governor

RD/dw

RECEIVED
DEPARTMENT OF STATE
2026 JAN 12 AM 10:41
DIVISION OF ELECTIONS

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Monroe

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

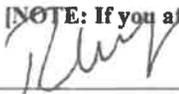
South Florida Water Management District Governing Board

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature



Sworn to and subscribed before me by means of physical presence OR online notarization
this 7th day of January, 2024.

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath – see § 92.50, Florida Statutes.)

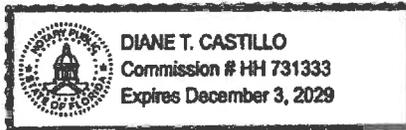
Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

506 Fleming Street

Street or Post Office Box

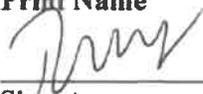
Key West, FL 33040

City, State, Zip Code

Robert A. Spottswood, Jr.

Print Name

Signature



2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

Robert A. Spottswood, Jr.

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

for a term beginning on the Second day of March, A.D., 2026,
until the First day of March, A.D., 2030 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixteenth day of January, A.D., 2026.*



Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2025 APR 16 AM 11:20

DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 9, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mrs. Charlette Roman
348 Colonial Avenue
Marco Island, Florida 34145

as a member of the South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective April 9, 2025, for a term ending March 1, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/ch

RECEIVED

2025 JUN -9 AM 10:57

OFFICE OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Collier

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

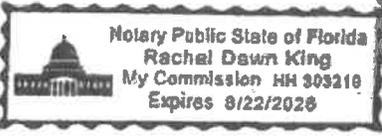
Charlette I. Roman
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of X physical presence

Or online notarization this 25 day of April, 2025.

RK
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification

Type of Identification Produced Personally Known

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

348 Colonial Avenue

Charlette I. Roman

Street or Post Office Box

Print Name

Marco Island, FL 34145

Charlette I. Roman
Signature

City, State, Zip Code

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Charlette I. Roman

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

for a term beginning on the Ninth day of April, A.D., 2025,
until the First day of March, A.D., 2029 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of June, A.D., 2025.*



Secretary of State

if photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

RON DeSANTIS
GOVERNOR

2026 JAN 12 PM 2:41

January 8, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Brian Aungst Jr.
2251 Lauren Lane
Clearwater, Florida 33759

as a member of the Southwest Florida Water Management District Governing Board, filling a vacant seat previously occupied by Elijah Armstrong III, subject to confirmation by the Senate. This appointment is effective January 8, 2026, for a term ending March 1, 2026.

Sincerely,



Ron DeSantis
Governor

RD/kf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.; § 92.50, Florida Statutes)

26 JUN 2018 PM 1:28
TALLAHASSEE, FL

STATE OF FLORIDA

County of Pinellas

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Southwest Florida Water Management District

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

[Handwritten Signature]

Sworn to and subscribed before me by means of physical presence OR online notization
this 23rd day of January, 2018.

[Handwritten Signature: Valerie Sulecki]

Signature of Officer Administering Oath or of Notary Public



(To be completed only by judges administering oath— see § 92.50, Florida Statutes.)

Print Name _____

Title _____

Court _____

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2251 Lauren Ln.

Brian J. Augst, Jr.

Street or Post Office Box

Print Name

Clearwater, FL 33759

[Handwritten Signature]

City, State, Zip Code

Signature

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Brian J. Aungst, Jr.

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Eighth day of January, A.D., 2026,
until the First day of March, A.D., 2026 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Seventh day of January, A.D., 2026.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 204

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government and Senator Bradley

SUBJECT: Gaming

DATE: February 13, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 204 creates a procedure to allow certain veterans' service organizations (VSOs) to petition the Florida Gaming Control Commission (FGCC) for a declaratory statement on whether the operation of the machine meets the definition of an amusement game or machine under Florida law, before installing a game or machine on their premises or if they currently have a machine or game on their premises. The process only applies to VSOs that have been granted a federal charter under Title 36, U.S.C., or to a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.

The bill allows the qualifying VSOs to petition the FGCC before they purchase an amusement game or machine if in doubt about whether the game or machine meets the definition and is authorized under s. 546.10, F.S., and the VSO may also petition the FGCC if there is a game or machine currently on the premises of the VSO. The bill prohibits VSOs from petitioning the FGCC for a declaratory statement if they are the subject of an ongoing criminal investigation or if the game or machine is the subject of an ongoing criminal investigation.

The FGCC must issue a declaratory statement within 60 days after receiving a petition requesting such statement. The FGCC may not deny a petition that is validly requested. The VSOs are not required to request or obtain a declaratory statement to operate if lawful under s. 546.10, F.S.

The bill also defines the following terms:

- “Ownership interest” to mean a person who is an officer, a director, or a managing member of any business, establishment, premises, or other location; and
- “Person of authority” to mean a person who at any business, establishment, premises, or other location at which a slot machine or device is offered to play has:
 - Actual authority to act on behalf of the business, establishment, premises, or other location; or
 - Any ownership interest in the business, establishment, premises or other location.

The bill provides the following criminal penalties for persons in charge of illegal slot machines:

- A person who violates the prohibitions on slot machines commits a second-degree misdemeanor (imprisonment up to 60 days and a fine up to \$500), if the violation involves five or fewer slot machines or devices.
- A person commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000), if he or she violates the prohibitions on slot machines and:
 - The violation involves six or more slot machines or devices; or
 - The person has one prior conviction for a violation of this section.
- A person commits a second-degree felony (imprisonment up to 15 years and a fine up to \$10,000), if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; and
 - The violation involves six or more slot machines or devices; or
 - The person has two or more prior convictions for a violation.

In addition, the bill provides a legal “safe harbor” for all shipments of legal gaming devices, including legal slot machines, to Indian lands located within this state. The shipments are to be deemed legal shipments, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA).

The bill has an indeterminate fiscal impact to state government. See Section V., Fiscal Impact Statement.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai facilities;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷
- Cardrooms⁸ at certain pari-mutuel facilities;⁹
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act (the Act);¹¹ and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ See s. 849.16, F.S.

⁵ Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.”

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086(2)(c), F.S., defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ See The FGCC, *Annual Report Fiscal Year 2023-2024* (Annual Report), at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited Jan 26, 2026).

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ See s. 546.10, F.S.

¹² See s. 849.085, F.S.

¹³ See s. 849.0931, F.S.

¹⁴ See s. 849.0935, F.S.

¹⁵ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ See s. 849.141, F.S.

¹⁷ Section 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of

Prior to 1986, the State Constitution stated that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹⁸ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹⁹

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 2021, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.²⁰ The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the Florida Gaming Control Commission (FGCC).²¹

In addition to the enhanced authority of the Office of Statewide Prosecution, the FGCC was created²² within the Department of Legal Affairs. The FGCC has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation (DBPR), effective July 1, 2022 (as discussed below).

The FGCC is required to do all of the following:

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the FGCC’s regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact),

legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁸ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹⁹ The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

²⁰ See ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser’s Bill) and ch. 2023-8, Laws of Fla., (Reviser’s Bill).

²¹ Section 16.56(1)(a), F.S.

²² Section 16.71, F.S.

ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).

- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the FGCC, information that is reported by sports governing bodies or other parties to the FGCC relating to:
 - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
 - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
 - The use of data deemed unacceptable by the FGCC or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the DPMW and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the DBPR, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature and adopt rules to implement the above.²³

²³ Section 16.712, F.S. The FGCC also administers the Pari-mutuel Wagering Trust Fund. *See* s. 16.71(6), F.S.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the FGCC, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms but may not serve more than 12 years.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the FGCC.²⁴ The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.²⁵

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), and any rule adopted pursuant thereto, and any law of this state.²⁶

The law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.²⁷

Further, any officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the FGCC also have access to, and the right to inspect, premises licensed by the FGCC, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the FGCC.²⁸

The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term “contraband” has the same meaning as the

²⁴ For a summary of DGE investigations and actions in Fiscal Year 2022-2023, see The FGCC, *Annual Report Fiscal Year 2023-2024* at p. 5.

²⁵ Section 16.711(2), F.S.

²⁶ Section 16.711(3), F.S.

²⁷ *Id.*

²⁸ *Id.*

term “contraband article” in s. 932.701(2)(a)2., F.S.²⁹ The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.³⁰

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the FGCC’s executive director and agreed to by FDLE’s executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the FGCC with any information relevant to any investigation conducted as described above, and the FGCC must reimburse any agency for the actual cost of providing any such assistance.³¹

Veterans’ Service Organizations

Veterans’ Service Organizations (VSOs) that are granted a federal charter under Title 36, U.S.C., are groups that have been formally recognized by Congress. While recognized federally, these groups are private, non-profit entities that must maintain a specific standard of service and submit an annual report to Congress. Examples of these VSOs are groups like The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the American Veterans, and Paralyzed Veterans of America. Some VSOs chose to operate facilities with a valid alcoholic beverage license.

If certain requirements are met, alcohol licenses for VSOs are issued by the Division of Alcoholic Beverages and Tobacco within the DBPR.

Under Florida law, VSOs operating with alcoholic beverage licenses receive certain gaming privileges; notably, s. 546.10(6)(a), F.S., provides specific exemptions regarding amusement games or machines. These and similar provisions exempt licensed VSOs from certain limitations on amusement machine operations, authorizing them to facilitate gaming activities that support their charitable missions.

Slot Machine or Amusement Machine

At any location other than licensed pari-mutuel facilities³² and Seminole tribe facilities,³³ it is a violation to “manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof.”³⁴

²⁹ Section 16.711(4), F.S.

³⁰ *Id.*

³¹ Section 16.711(5), F.S.

³² Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum.

³³ Florida allows only a few operators of slot machines; certain Seminole tribal facilities and eight pari-mutuel facilities located in Miami-Dade and Broward counties. The FGCC, *FAQ’s ‘Are slot machines legal in Florida?’*, available at <https://flgaming.gov/faq/#:~:text=Are%20slot%20machines%20legal%20in,at%20certain%20Indian%20tribal%20facilities>, (last visited Jan. 26, 2026).

³⁴ Section 849.15(1)(a), F.S.

The legal community in general has spent decades trying to find the right balance in defining and differentiating a slot machine from an amusement machine. Because of this, amusement games or machines are primarily governed by a tension between the Act and Florida’s prohibition on slot machines.

Florida law prohibits slot machines in VSOs but allows certain types of amusement machines or games.

In Florida, a slot machine is defined as a machine or device that:

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or be operated by a user by application of skill, element of chance, or other outcome that is unpredictable to the user; and
- The user receives or is entitled to receive something of value or additional chances or rights to use the device or machine.³⁵

A person who violates the prohibitions³⁶ against manufacturing, selling, or possessing slot machines or devices commits a:³⁷

- Second degree misdemeanor upon a first conviction.³⁸
- First degree misdemeanor upon a second conviction.³⁹
- Third degree felony upon a third or subsequent conviction, and the person is deemed a “common offender.”⁴⁰

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.⁴¹

In recent years, legal discussion has existed over slot machine and amusement machine distinctions including the “material element of chance” test; if a machine’s outcome can be influenced by factors outside the player’s immediate skill – such as a predetermined win/loss ratio or invisible game logic – the device is legally classified as a slot machine under s. 849.16 F.S.⁴²

³⁵ Section 849.16(1), F.S.

³⁶ Sections 849.15, F.S. though 849.22, F.S.

³⁷ Section 849.23, F.S.

³⁸ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 or 775.083, F.S.

³⁹ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 or 775.083, F.S.

⁴⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

⁴¹ Section 849.16(3), F.S.

⁴² See *Gator Coin II, Inc. v Dep’t Bus. & Prof’l Reg.*, 254 So. 3d 114 (Fla. 1st DCA 2018), where the “material element of chance” issue is discussed.

Amusement Games or Machines

In 2015, the Legislature created s. 546.10, F.S., in an attempt to regulate the operation of skill-based amusement games or machines at specified locations to prevent expansion of casino-style gambling in the state.⁴³ To differentiate between slot machines, which are generally prohibited, and amusement machines there is a lengthy definition of what includes an amusement game or machine and what does not constitute an amusement game or machine.

An “amusement game or machine” is defined in s. 546.10(3)(a), F.S., as:

...a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, *by the application of skill, with no material element of chance* inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game.

The term does not include:

- Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.
- A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
- A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Florida law further distinguishes amusement machines or games into three types of machines, Type A, Type B, and Type C. A Type A amusement game or machine is a game or machine that offers no prizes, or any other thing of value other than free replays so long as:

- The amusement game or machine can accumulate and react to no more than 15 such replays;
- The amusement game or machine can be discharged of accumulated replays only by reactivating the game or device for one additional play for each accumulated replay;
- The amusement game or machine cannot make a permanent record, directly or indirectly, of any free replay;
- The amusement game or machine does not entitle the player to receive anything of value other than a free replay;
- An unused free replay may not be exchanged for anything of value, including merchandise or a coupon or a point that may be redeemed for merchandise; and
- The amusement game or machine does not contain any device that awards a credit and contains a circuit, meter, or switch capable of removing and recording the removal of a credit if the award of a credit is dependent upon chance.⁴⁴

⁴³ See Ch. 2015-93 s. 1, Laws of Fla. (creating s. 546.10(2), F.S., effective July 1, 2015).

⁴⁴ Section 546.10(5)(a), F.S.

A Type B amusement game or machine is a game or machine that, upon activation and game play, entitles or enables a person to receive a coupon or a point that *may be redeemed onsite for merchandise* and the coupon or point:

- Has no value other than for redemption onsite for merchandise;
- The redemption value that a person receives for a single game played does not exceed the maximum value determined under s. 546.10(7), F.S. The maximum value was set at \$5.25 in 2016 and is adjusted annually by the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items by the Department of Revenue. The current maximum value is \$7.10.⁴⁵ However, a player may accumulate coupons or points to redeem onsite for a single item of merchandise that has a wholesale cost of not more than 100 times the maximum value, or for a prize consisting of more than one item, unit, or part, only if the aggregate wholesale cost of all items, units, or parts does not exceed 100 times the maximum value; and
- The redemption value that a person receives for playing multiple games simultaneously or competing against others in a multiplayer game does not exceed the maximum value.⁴⁶

A Type B amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- The following premises, if the owner or operator of the premises has a current license issued by the DBPR pursuant to chs. 509, 561, 562, 563, 564, 565, 567, or 568, F.S.;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.; or
- A truck stop.⁴⁷

A Type C amusement game or machine is a game or machine that allows the player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the game or machine, if the wholesale cost of the merchandise does not exceed 10 times the maximum value determined under s. 546.10(7), F.S.

A Type C amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.;
- The premises of a retailer, as defined in s. 212.02, F.S.;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- A truck stop; or
- The premises of a VSO granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.⁴⁸

⁴⁵ See https://floridarevenue.com/Forms_library/current/brochure/gt800020.pdf (last visited January 25, 2026).

⁴⁶ Section 546.10(5)(b), F.S.

⁴⁷ *Id.*

⁴⁸ Section 546.10(5)(c), F.S.

Regulatory Efforts by the FGCC

The FGCC employs approximately 18 sworn law enforcement officers.⁴⁹ The FGCC reported seizing around \$14.47 million and over 6,700 slot machines in 2025, more than doubling its enforcement totals from the previous year.⁵⁰

Chapter 120 Declaratory Statement Process

As a matter of general policy, a declaratory statement serves as an administrative tool designed to resolve regulatory uncertainty. Under the Florida Administrative Procedure Act, a declaratory statement is a formal mechanism that allows any “substantially affected person” to obtain an agency’s opinion regarding the applicability of a statutory provision, rule, or order to their specific set of circumstances.⁵¹

The petitioning party must state their particular circumstances with specificity and identify the exact law or regulation they believe applies to that situation.⁵² Upon receiving a petition, an agency is required to give notice of the filing in the Florida Administrative Register and must either issue the statement or deny the petition within 90 days.⁵³

Once issued, a declaratory statement constitutes a “final agency action,” making it a legally binding interpretation that provides the petitioner with a definitive regulatory position upon which they can rely.⁵⁴

IGRA and Indian Tribes ability to Transport Slot Machines

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA), which generally preempts state law on tribal land.⁵⁵

Under the IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.⁵⁶

⁴⁹ The FGCC, available at <https://flgaming.gov/enforcement> (last visited Jan. 26, 2026).

⁵⁰ Florida Gaming Control Commission, *Florida Gaming Control Commission Doubles Down on Illegal Gambling*, available at <https://flgaming.gov/docs/Press-Release/FGCC-Doubles-Down-on-Illegal-Gambling.pdf> (last visited Feb. 5, 2026).

⁵¹ Section 120.565(1), F.S.

⁵² Section 120.565(2), F.S.

⁵³ Section 120.565(3), F.S.

⁵⁴ *Id.*

⁵⁵ See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

⁵⁶ See 25 U.S.C. s. 2703.

Under the IGRA, Class III gaming is lawful on Indian lands only if conducted pursuant to a tribal-state compact that has been ratified by the state and approved by the United States Secretary of the Interior.⁵⁷

The Seminole Tribe of Florida is the only Indian tribe in Florida to have a legally binding compact recognized by the IGRA, and therefore is the only Indian tribe allowed to offer Class III gaming. The Miccosukee Tribe of Indians of Florida offers Class II type of gaming and is prohibited from offering Class III type of gaming, like slot machines.

Because shipments of slot machines for Indian casinos physically travel through the state and not exclusively on tribal lands, there is some potential ambiguity as to whether the general prohibition on transporting slot machines in s. 849.15, F.S., applies to devices destined for tribal lands.

III. Effect of Proposed Changes:

Section 1 amends s. 546.10, F.S., relating to amusement games or machines, to provide a declaratory statement process regarding the legality of an amusement game or machine. The process only applies to veterans' service organizations (VSOs) that have been granted a federal charter under Title 36, U.S.C., or to a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.

The bill requires a qualifying VSO, if in doubt whether the game or machine meets the definition in and is authorized under s. 546.10, F.S., to petition the Florida Gaming Control Commission (FGCC) before purchasing and installing an amusement game or machine on the VSO premises.

This section of the bill provides that a game or machine awaiting a declaratory statement from the FGCC may not be purchased or installed until the declaratory statement is issued. Additionally, this section, creates a procedure that would allow the VSO that is in doubt about the legality of a game or machine, currently on the premises, to petition the FGCC for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the FGCC for a declaratory statement under this subsection.

The bill provides that:

- The FGCC must issue a declaratory statement within 60 days after receiving a petition.
- The FGCC may not deny a validly requested petition.
- Petitions made under this subsection must provide enough information for the FGCC to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.

⁵⁷ 25 U.S.C. s. 2710(d).

- The declaratory statement is binding on the FGCC and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- This section of the bill does not prevent the FGCC or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- An owner or operator is not required to request a declaratory statement in order to operate, if lawful under s. 546.10, F.S.

Section 2 amends s. 849.15, F.S., relating to the prohibited manufacture, sale, or possession of slot machines or devices, to provide definitions for:

- “Ownership interest” to mean a person who is an officer, a director, or a managing member of any business, establishment, premises, or other location; and
- “Person of authority” to mean a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered to play has:
 - Actual authority to act on behalf of the business, establishment, premises, or other location; or
 - Any ownership interest in the business, establishment, premises or other location.

The bill also provides increased criminal penalties for operators of businesses or persons that manufacture, own, sell, or possess illegal slot machines. Specifically, the bill creates the following graduated scale of criminal penalties:

- A person who violates the prohibitions on slot machines commits a second-degree misdemeanor (imprisonment up to 60 days and a fine up to \$500), if the violation involves five or fewer slot machines or devices.
- A person commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000), if he or she violates the prohibitions on slot machines and:
 - The violation involves six or more slot machines or devices; or
 - The person has one prior conviction for a violation of this section.
- A person commits a second-degree felony (imprisonment up to 15 years and a fine up to \$10,000), if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; and
 - The violation involves six or more slot machines or devices; or
 - The person has two or more prior convictions for a violation.

In addition, the bill provides a legal “safe harbor” for all shipments of legal gaming devices, including legal slot machines, to Indian lands located within this state, deeming them legal shipments thereof, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the Indian Gaming Regulatory Act of 1988 (IGRA).

The bill provides an effective date of 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:

Persons who violate the gambling laws will be subject to increased penalties.

C. Government Sector Impact:

The fiscal impact on state government is indeterminate. The bill increases criminal penalties for violations relating to illegal gambling. This may create a positive fiscal impact on the state and local governmental entities that receive proceeds from related fines.

The bill may have an indeterminate fiscal impact on the Florida Gaming Control Commission (FGCC). According to the FGCC, revised procedures related to veterans' service organizations petitioning the FGCC for declaratory statements will require additional workload on staff and resources to pay for forensic review of machines identified in petitions for declaratory statements and expert witness testimony.⁵⁸ Currently, the independent testing lab procured by the FGCC charges \$200 per hour for a forensic review of a gambling machine, \$495 per hour for testimony and deposition work, and \$300 per hour for trial preparation, review and analysis, and time spent on non-working travel.⁵⁹

⁵⁸ See Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 204* at 4 (Oct. 15, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

⁵⁹ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 546.10 and 849.15 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 Appropriations Committee on Agriculture, Environment, and General Government on February 11, 2026:

The committee substitute increases penalties for operators of businesses or persons that manufacture, own, sell, or possess illegal slot machines and creates the following graduated scale of criminal penalties:

- Makes it a second degree misdemeanor if the violations involve five or fewer slot machines or devices.
- Makes it a third degree felony, for violations if:
 - The violation involves six or more slot machines or devices; or
 - The person has one prior conviction for a violation.
- Makes it a second degree felony, for violations that also include:
 - At the time of the violation, the person was a person of authority; and
 - The violation involves six or more slot machines or devices; or
 - The person has two or more prior convictions for a violation.

- B. **Amendments:**

None.



364546

LEGISLATIVE ACTION

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

The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment

Delete lines 131 - 134

and insert:

(3) (a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the violation involves five or fewer slot machines or devices.

(b) A person commits a felony of the third degree,



364546

11 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
12 if he or she violates subsection (2), and:

13 1. The violation involves six or more slot machines or
14 devices; or

15 2. The person has one prior conviction for a violation of
16 this section.

17 (c) A person commits a felony of the second degree,
18 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
19 if he or she violates subsection (2), and:

20 1. At the time of the violation, the person was a person of
21 authority and the violation involves six or more slot machines
22 or devices; or

23 2. The person has two or more prior convictions for a
24 violation of this section.

By Senator Bradley

6-00178-26

2026204__

1 A bill to be entitled
 2 An act relating to gaming; amending s. 546.10, F.S.;
 3 requiring certain organizations, before purchasing,
 4 installing, or operating a game or machine on their
 5 premises, or that already have a game or machine
 6 installed on their premises, and are in doubt about
 7 whether such game or machine meets the definition of
 8 an amusement game or machine, to petition the Florida
 9 Gaming Control Commission for a declaratory statement
 10 on whether the operation of such game or machine is
 11 authorized or prohibited; prohibiting such
 12 organizations from purchasing or installing a game or
 13 machine until such declaratory statement is issued;
 14 prohibiting such organizations from petitioning the
 15 commission if the game, machine, premises, or
 16 organization in question is the subject of a criminal
 17 investigation; requiring the commission to issue a
 18 declaratory statement within a specified timeframe;
 19 prohibiting the commission from denying a petition if
 20 it was validly requested; specifying the information
 21 that must be included in a petition; providing that
 22 the declaratory statement is valid only for the game
 23 or machine for which it is requested and is invalid if
 24 the specifications for the game or machine have been
 25 changed; providing that the declaratory statement is
 26 binding on the commission and may be introduced as
 27 evidence in subsequent proceedings; providing
 28 construction; amending s. 849.15, F.S.; defining
 29 terms; providing criminal penalties for specified

Page 1 of 6

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

6-00178-26

2026204__

30 offenses relating to the manufacture, possession, and
 31 sale of slot machines or devices; providing that
 32 shipments of legal gaming devices to Indian lands are
 33 deemed legal shipments under certain circumstances;
 34 providing an effective date.
 35
 36 Be It Enacted by the Legislature of the State of Florida:
 37
 38 Section 1. Present subsections (8) and (9) of section
 39 546.10, Florida Statutes, are redesignated as subsections (9)
 40 and (10), respectively, and a new subsection (8) is added to
 41 that section, to read:
 42 546.10 Amusement games or machines.—
 43 (8) (a) 1. Before purchasing a game or machine and installing
 44 it on the premises of any veterans' service organization granted
 45 a federal charter under Title 36, U.S.C., or a division,
 46 department, post, or chapter of such organization, for which an
 47 alcoholic beverage license has been issued, if the organization
 48 is in doubt about whether the game or machine meets the
 49 definition of an amusement game or machine under this section,
 50 the organization must petition the Florida Gaming Control
 51 Commission for a declaratory statement pursuant to s. 120.565 on
 52 whether the operation of the game or machine would be authorized
 53 under this section or would be a violation of this section or
 54 chapter 849. An organization awaiting such declaratory statement
 55 from the commission may not purchase or install the game or
 56 machine until the declaratory statement is issued.
 57 2. If there is a game or machine currently on the premises
 58 of any veterans' service organization granted a federal charter

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59 under Title 36, U.S.C., or a division, department, post, or
 60 chapter of such organization, for which an alcoholic beverage
 61 license has been issued, and the veterans' service organization
 62 is in doubt about whether the game or machine meets the
 63 definition of an amusement game or machine under this section,
 64 the organization, before operating the game or machine, must
 65 petition the commission for a declaratory statement pursuant to
 66 s. 120.565 on whether the operation of the game or machine would
 67 be authorized under this section or would be a violation of this
 68 section or chapter 849. If the game, machine, premises, or
 69 organization is the subject of an ongoing criminal
 70 investigation, the organization may not petition the commission
 71 for a declaratory statement under this subsection.

72 3. The commission shall issue a declaratory statement
 73 within 60 days after receiving a petition requesting such
 74 statement. The commission may not deny a petition that is
 75 validly requested pursuant to this subsection and s. 120.565.

76 (b) A petition made under this subsection must provide
 77 enough information for the commission to issue the declaratory
 78 statement and must be accompanied by the exact specifications
 79 for the type of game or machine which the organization will
 80 purchase or install or currently has on the premises. The
 81 declaratory statement is valid only for the game or machine for
 82 which it is requested and is invalid if the specifications for
 83 the game or machine have been changed.

84 (c) The declaratory statement is binding on the commission
 85 and may be introduced in any subsequent proceedings as evidence
 86 of a good faith effort to comply with this section or chapter
 87 849.

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88 (d) This subsection does not prevent the commission or any
 89 other criminal justice agency as defined in s. 943.045 from
 90 detecting, apprehending, and arresting a person for any alleged
 91 violation of this chapter, chapter 24, part II of chapter 285,
 92 chapter 550, chapter 551, or chapter 849, or any rule adopted
 93 pursuant thereto, or of any law of this state.

94 (e) This subsection does not require an owner or an
 95 operator of an amusement game or machine under this section to
 96 request or obtain a declaratory statement in order to operate
 97 pursuant to this section.

98 Section 2. Section 849.15, Florida Statutes, is amended to
 99 read:

100 849.15 Manufacture, sale, possession, etc., of slot
 101 machines or devices prohibited.—

102 (1) As used in this section, the term:

103 (a) "Ownership interest" means a person who is an officer,
 104 a director, or a managing member of any business, establishment,
 105 premises, or other location.

106 (b) "Person of authority" means a person who, at any
 107 business, establishment, premises, or other location at which a
 108 slot machine or device is offered for play, has:

109 1. Actual authority to act on behalf of the business,
 110 establishment, premises, or other location; or

111 2. Any ownership interest in the business, establishment,
 112 premises, or other location.

113 (2)(1) It is unlawful:

114 (a) To manufacture, own, store, keep, possess, sell, rent,
 115 lease, let on shares, lend or give away, transport, or expose
 116 for sale or lease, or to offer to sell, rent, lease, let on

Page 4 of 6

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117 shares, lend or give away, or permit the operation of, or for
 118 any person to permit to be placed, maintained, or used or kept
 119 in any room, space, or building owned, leased or occupied by the
 120 person or under the person's management or control, any slot
 121 machine or device or any part thereof; or

122 (b) To make or to permit to be made with any person any
 123 agreement with reference to any slot machine or device, pursuant
 124 to which the user thereof, as a result of any element of chance
 125 or other outcome unpredictable to him or her, may become
 126 entitled to receive any money, credit, allowance, or thing of
 127 value or additional chance or right to use such machine or
 128 device, or to receive any check, slug, token or memorandum
 129 entitling the holder to receive any money, credit, allowance or
 130 thing of value.

131 (3) Notwithstanding s. 849.23, a person who violates
 132 subsection (2) commits a felony of the third degree, punishable
 133 as provided in s. 775.082, s. 775.083, or s. 775.084, if he or
 134 she was a person of authority at the time of the violation.

135 (4)(2) Pursuant to section 2 of that chapter of the
 136 Congress of the United States entitled "An act to prohibit
 137 transportation of gaming devices in interstate and foreign
 138 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
 139 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
 140 of Florida, acting by and through the duly elected and qualified
 141 members of its Legislature, does hereby in this section, and in
 142 accordance with and in compliance with the provisions of section
 143 2 of such chapter of Congress, declare and proclaim that any
 144 county of the State of Florida within which slot machine gaming
 145 is authorized pursuant to chapter 551 is exempt from the

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146 provisions of section 2 of that chapter of the Congress of the
 147 United States entitled "An act to prohibit transportation of
 148 gaming devices in interstate and foreign commerce," designated
 149 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
 150 shipments of gaming devices, including slot machines, into any
 151 county of this state within which slot machine gaming is
 152 authorized pursuant to chapter 551 and the registering,
 153 recording, and labeling of which have been duly performed by the
 154 manufacturer or distributor thereof in accordance with sections
 155 3 and 4 of that chapter of the Congress of the United States
 156 entitled "An act to prohibit transportation of gaming devices in
 157 interstate and foreign commerce," approved January 2, 1951,
 158 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 159 ss. 1171-1177, shall be deemed legal shipments thereof into this
 160 state provided the destination of such shipments is an eligible
 161 facility as defined in s. 551.102 or the facility of a slot
 162 machine manufacturer or slot machine distributor as provided in
 163 s. 551.109(2) (a).

164 (5) All shipments of legal gaming devices, including legal
 165 slot machines, to Indian lands located within this state shall
 166 be deemed legal shipments thereof, provided that such Indian
 167 lands are held in federal trust for the benefit of a federally
 168 recognized Indian tribe that is a party to a tribal-state
 169 compact with the state pursuant to the federal Indian Gaming
 170 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
 171 ss. 2701 et seq.

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

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The Florida Senate

APPEARANCE RECORD

SB204

02/12/2026

Meeting Date

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

Bill Number or Topic

AEG Subcommittee

Committee

Amendment Barcode (if applicable)

Name Deputy Director Brandon McCaffery

Phone 850-794-8073

Address 4070 Esplanade Way Suite 250

Email brandon.mccaffery@flgaming.gov

Street

Tallahassee

FL

32311

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.

S-001 (08/10/2021)

2/12/26

Meeting Date

The Florida Senate APPEARANCE RECORD

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

58204

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JEFF REED FLORIDA MOOSE

Phone

352-427-1625

Address

1019 Church ST.

Email

Jmr3057@gmail.com

Street

MARIANNA

City

FL

State

32448

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.

S-001 (08/10/2021)

2/12/2026

Meeting Date

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 204

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JERRY MONK FLORIDA MOOSE

Phone

850-510-8670

Address

605 SPRING MEADOWS RD

Email

JAMONKSS@GMAIL.COM

Street

Quincy

FL

32351

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.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-12-26

Meeting Date

SB 204

Bill Number or Topic

Appropriations
Committee

Committee

364546

Amendment Barcode (if applicable)

Name

Jonathan Zacher Zack-em

Phone

727-418-4566

Address

Street

Email

jon@zacherlaw.com

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:

AMOAF

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.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

January 28, 2026

Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General Government
416 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Brodeur:

I respectfully request that Senate Bill 204 be placed on the agenda of the Appropriations Committee on Agriculture, Environment, and General Government at your earliest convenience. This bill strengthens enforcement of illegal slot operators and creates a pathway for veteran's organizations to avoid enforcement actions.

Thank you for your consideration and please reach out if you have any concerns or questions about this bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Giovanni Betta, Staff Director
Julie Brass, Committee Administrative Assistant

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/CS/SB 540

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government, and Banking and Insurance Committee and Senator Martin

SUBJECT: Office of Financial Regulation

DATE: February 13, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 540 modifies the provisions of laws governing financial services regulated by the Office of Financial Regulation (OFR). The bill requires the Department of Children and Families (DCF) to cooperate with the Office of Financial Regulation (OFR) as it relates to protective investigations of suspected exploitation of specified adults. The DCF is required to provide copies of all suspected financial exploitation reports received by the DCF's central abuse hotline (hotline) from any financial institution, securities dealer or investment advisor to the OFR within 15 days after receiving the report. The DCF is authorized to provide copies of any records generated related to the report upon the request of the OFR.

The bill authorizes the OFR to use the copies of the reports from the hotline or related records in any investigation or examination conducted under chs. 517 and 655, F.S. The bill provides all confidentiality provisions that apply to the DCF to continue to apply to records made available to the OFR and its officials, employees and agents unless an exception applies. The bill amends the DCF's confidentiality of abuse, neglect and exploitation reports and related records to allow any appropriate officials, employees, or agents of the OFR to have access to the reports.

The bill authorizes the DCF and the OFR to enter into a Memorandum of Agreement (MOA) which specifies how the OFR may assist the DCF with effective and efficient protective investigations of vulnerable adult abuse reported through the DCF's hotline. Furthermore, the MOA must specify how assistance from the OFR to the DCF will be implemented. The OFR's

authority to conduct investigations and examinations of a dealer or investment adviser must be in accordance with the MOA.

The Financial Institutions Code and the Florida Securities and Investor Protection Act are amended to allow the OFR to consider and use the financial exploitation reports to the hotline and records that are generated from the report as part of the OFR's investigations and examinations of financial institutions, dealers, and investment advisers. The bill amends the information that a dealer or investment adviser must include in a report to notify the OFR of a delayed disbursement or transaction and clarifies that compliance with the requirements in s. 517.34, F.S., does not substitute the dealer's or investment adviser's duty to report a suspected financial exploitation to the central abuse hotline.

Cybersecurity

Mortgage brokers, mortgage lenders, and money services businesses

The bill:

- Creates a regulatory framework patterned after the Federal Standards for Safeguarding Customer Information (“Safeguard Rules”) requiring mortgage brokers, mortgage lenders, and money services businesses licensees to create and maintain a written information security program that meets specified criteria and is designed for certain purposes.
- Requires licensees to:
 - Test, monitor, and adjust the program to meet specified requirements.
 - Establish a written incident response plan that consists of certain information.
 - Maintain certain records for a specified time.
 - Notify the OFR of certain breaches of security.
 - Provide specified updates required by the OFR.
- Exempts certain licensees from the regulatory requirements established in the bill.
- Provides licensees are not exempt from complying with security requirements under consumer protection laws.
- Requires the Financial Services Commission (Commission) to adopt rules to administer provisions in this section of the bill.

The bill authorizes the OFR to impose disciplinary actions or penalties against the licensees for failing to comply with certain notice requirements.

Financial Institutions

The bill requires a financial institution to comply with security measures of personal information that are substantially similar to the security requirements under the consumer protection laws in ch. 501, F.S. A financial institution is required to comply with specified notice requirements to the Department of Legal Affairs (DLA), and certain individuals and consumer reporting agencies.

Securities Transactions

The bill amends the definition of “investment adviser” and the definition of “family office” to exclude certain persons and exempt certain offers or sales of securities from regulation and define the term “place of business.”

Surrendered or Repossessed Vehicles

The bill provides that a parties' rights and obligations with respect to a surrendered or repossessed motor vehicle are exclusively governed by the Uniform Commercial Code, Secured Transactions, part VI of ch. 679, F.S.

Money Services Businesses Disciplinary Actions

The bill clarifies that an affiliated party of a money services business which is subject to disciplinary action and penalties must have been affiliated at the time the actionable grounds occurred and provides additional grounds for disciplinary action and penalties.

The bill requires, rather than authorizes, the OFR to issue an "emergency order" to suspend, instead of summarily suspending, the license of a money services business if the OFR makes certain findings. The bill clarifies that no further findings of immediate danger, necessity, or procedural fairness are required if certain facts exist.

Financial Institutions Director and Officer Qualifications

The bill allows certain directors and officers to have certain minimum experience within 10 years, rather than within five years of applying to form a banking corporation or trust company.

Debt Collection

The bill amends check cashing and deferred presentment provider provisions to require only a third-party debt collector or first-party debt collector that uses any name other than its own to collect debts to comply with the Fair Debt Collections Practices Act.

Redemption of checks

The bill provides a deferred presentment provider that allows a check to be redeemed upon payment of the outstanding transaction balance may treat redemption through debit card the same as redemption in cash.

Credit Unions

The bill requires the majority of five or more individual applicants, rather than all individual applicants, that organize a credit union must be residents of the state. The bill allows credit union members to meet electronically and without an in-person quorum and allows virtual attendees to satisfy quorum requirements. The bill eliminates the limit on fixed asset investments.

Financial Institutions and Family Trust Companies Examination Costs

The bill requires that certain financial institutions and family trust companies must pay examination costs within 45 days, instead of within 30 days.

The bill does not impact state revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

Financial Exploitation of Specified Adults

Financial exploitation of vulnerable adults is a growing crisis across the United States. It is estimated one in five Americans over the age of 65 have been a victim of financial exploitation with estimated annual losses of \$2.9 billion.¹

Financial abuse or exploitation of specified individuals involves the illegal, unauthorized or improper use of their funds, property, or assets by caregivers, family, friends, health care providers, business associates, neighbors or strangers.² Financial exploitation can take the form of fraud, identify theft, misuse of or improperly obtained power of attorney, theft, promises exchanged, inappropriate products by investment or mortgage brokers, investment fraud by a financial advisor or tax preparer, forgery by professional caregiver, fraud by a representative payee, or other scams.³

The Federal Bureau of Investigation (FBI) investigates financial scams targeting seniors, including investment scams, technical/customer support schemes, money mule and romance scams, and others. According to the FBI's Internet Crime Complaint Center, there were more than 147,127 complaints filed by individuals 60 years or older with \$4.885 billion in losses.⁴ According to the FBI, Florida ranks third in the nation for number of complaints (52,191) as well as losses (\$1.1 billion).⁵

The Department of Children and Families Protective Investigations

The Department of Children and Families is responsible for a vast array of services to the citizens of Florida. The DCF provides services to vulnerable adults through its Adult Protective Services Program, which seeks to prevent further harm to vulnerable adults who are the victims of abuse, neglect, exploitation or self-neglect.⁶

¹ O'Donnell, Kelly, *Elder Exploitation Is a Growing Crisis – But Pending Legislation Holds Promise* (Dec. 15, 2025), Invested in America, <https://www.ici.org/ici-viewpoints/elder-financial-exploitation-is-a-growing-crisis> (last visited Feb. 12, 2026).

² American Bankers Association, *Protect Older Americans from Financial Exploitation*, <https://www.aba.com/advocacy/community-programs/consumer-resources/protect-your-money/elderly-financial-abuse> (last visited Feb. 12, 2026).

³ U.S. Department of Justice, Elder Justice Initiative Home, *Financial Exploitation*, <https://www.justice.gov/elderjustice/financial-exploitation-0> (last visited Feb. 12, 2026).

⁴ Federal Bureau of Investigation, Internet Crime Complaint Center, *Internet Crime Report 2024*, https://www.ic3.gov/AnnualReport/Reports/2024_IC3Report.pdf (last visited Feb. 26, 2026).

⁵ *Id* at p. 17.

⁶ Florida Department of Children and Families, Services, Abuse, *Adult Protective Services*, <https://www.myflfamilies.com/services/abuse/adult-protective-services> (last visited Feb. 12, 2026).

Chapter 415, F.S., the Adult Protective Services Act, provides for mandatory and immediate reporting of abuse, neglect, or exploitation of vulnerable adults, to include bank, savings and loan, or credit union officer, trustee, or employee or a dealer, investment advisor, or associated person under ch. 517, F.S.⁷

The Florida Abuse Hotline (hotline) screens allegations of both child and adult abuse and/or neglect or financial exploitation of vulnerable adults to determine whether the information meets the criteria of an abuse report. If the criteria for an abuse, neglect or exploitation report are met, a protective investigation is initiated by the DCF to confirm whether or not there is evidence that an abuse, neglect, or exploitation occurred. In its investigation, the DCF determines whether there is an immediate or long-term risk to the victim and whether the victim needs additional services to safeguard his or her well-being.⁸ In Fiscal Years 2022-2025, the DCF recorded 21,212 exploitation reports to the hotline, with 6,315 of those reports attributed to financial institutions.⁹ The three year history of exploitation reports to the hotline is depicted in the below chart.¹⁰

Reports of Exploitation of Vulnerable Adults Received by Hotline			
Fiscal Year	Exploitation Reports	Number Reported by Financial Institution	Percent of Whole
2022 – 2023	6,913	2,052	29.68%
2023 – 2024	6,827	2,048	30.00%
2024 – 2025	7,472	2,215	29.64%
Totals	21,212	6,315	

Protection of Specified Adults

Florida law provides additional protections for specified adults who is a natural person age 65 years or older or a vulnerable adult¹¹ who have accounts with financial institutions and may be victims of suspected financial exploitation.¹² A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.¹³

A financial institution that reports a suspected financial exploitation of a specified adult may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- The financial institution must promptly initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation

⁷ Section 415.1034(1)(a)1-9, F.S.

⁸ Florida Department of Children and Families, Services, Abuse, Adult Protective Services, *About*, <https://www.myflfamilies.com/services/abuse/aps/about> (last visited Feb. 12, 2026).

⁹ Email from Chancer Teel, Legislative Affairs Director, Florida Department of Children and Families to Diane Sneed, Legislative Analyst, Florida Senate, February 12, 2026 (on file with Senate Appropriations Committee on Agriculture, Environment and General Government).

¹⁰ *Id.*

¹¹ Sections 415.1034(1)(c) and 517.34(1)(b), F.S.

¹² Sections 415.10341 and 517.34, F.S.

¹³ Section 415.102(29), F.S.

of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.

- Within a specified time:
 - The financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
 - Creates and maintains for at least five years from the date of the delayed disbursement or transaction a written or electronic record of the delayed disbursement or transaction that includes specified information.¹⁴

A dealer or investment adviser may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- A financial institution reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted in connection with the disbursement or transaction.
- Not later than three business days after the date on which the delay was first placed, the financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
- Not later than three business days after the date on which the delay was first placed, a state-chartered financial institution notifies the Office of Financial Regulation of the delay.
- The financial institution must initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.¹⁵

A delay in a disbursement or transaction expires in 15 business days and may be extended for an additional 30 business days. A court of competent jurisdiction may shorten or extend the length of any delay.¹⁶

Florida law grants immunity from any administrative or civil liability that might otherwise arise from a delay in a disbursement or transaction to any financial institution who in good faith and exercising reasonable care complies with the provisions of s. 415.10341, F.S. or s. 517.34, F.S.

Criminal Penalties

Section 825.103, F.S., punishes exploitation of an elderly person or disabled adult.

For purposes of ch. 825, F.S., an “elderly person” is a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person’s own care or protection is impaired.¹⁷

¹⁴ Section 415.10341, F.S.

¹⁵ Section 517.34(3), F.S.

¹⁶ Sections 415.10341(4) and 517.34(4), F.S.

¹⁷ Section 825.101(4), F.S.

For purposes of ch. 825, F.S., a “disabled adult” is a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living.¹⁸

Under s. 825.103, F.S., exploitation of an elderly person or disabled adult includes:

- Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
 - Stands in a position of trust and confidence with the elderly person or disabled adult; or
 - Has a business relationship with the elderly person or disabled adult.
- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.
- Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer.
- Knowingly obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person’s or a disabled adult’s funds, assets, property, or estate through intentional modification, alteration, or fraudulent creation of a plan of distribution or disbursement expressed in a will, trust agreement, or other testamentary devise of the elderly person or disabled adult without:
 - A court order, from a court having jurisdiction over the elderly person or disabled adult, which authorizes the modification or alteration;
 - A written instrument executed by the elderly person or disabled adult, sworn to and witnessed by two persons who would be competent as witnesses to a will, which authorizes the modification or alteration; or
 - Action of an agent under a valid power of attorney executed by the elderly person or disabled adult which authorizes the modification or alteration.¹⁹

Punishment for exploitation of a vulnerable adult is based on the value of the funds, assets, or property involved:

¹⁸ Section 825.101(3), F.S.

¹⁹ See s. 825.103(1), F.S.

- Level 8²⁰ first degree felony²¹ (value is \$50,000 or more);
- Level 7 second degree felony²² (value is 10,000 or more, but less than \$50,000); and
- Level 6 third degree felony²³ (value is less than \$10,000).²⁴

The Office of Financial Regulation

The Office of Financial Regulation (OFR) is responsible for regulating all activities of banks, credit unions, other financial institutions, finance companies, and the securities industry (together, the “financial services”).²⁵ The number of licensees or state-chartered institutions regulated by the OFR is summarized below:²⁶

<u>Division</u>	<u>Number of Persons Regulated</u>
Division of Consumer Finance	122,530
Division of Financial Institutions	196
Division of Securities	403,627
Total Regulated Persons	526,353

Bureau of Financial Investigations

The Bureau of Financial Investigations (Bureau) is the criminal justice arm of the OFR. The Bureau maintains investigative teams throughout Florida, who have expertise in financial records and analysis, forensic accounting, interviewing and legal case preparation. The Bureau participates in joint investigations with local, state, and federal law enforcement agencies. Typically, the Bureau’s cases involve securities and lending fraud, crimes that impact consumers and the financial industry. The Bureau remains involved in administrative, civil or criminal cases from inception of the investigation to final disposition of the case.²⁷ All information related to the OFR’s investigations and examinations is considered confidential and exempt under s. 119.07(1), F.S., until the case is no longer active. At that time, any identifying information,

²⁰ The Criminal Punishment Code (Code) (ss. 921.002-921.0027, F.S.) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). Section 921.0022(2), F.S. Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Section 921.0024, F.S. Sentence points escalate as the severity level escalates. These points are relevant to determining whether the offender scores a prison sentence as the minimum sentence, and if so scored, the length of that sentence. The offense severity ranking is either assigned by specifically ranking the offense in the Code offense severity level ranking chart (s. 921.0022(3), F.S) or ranking the offense by “default” based on its felony degree (s. 921.0023, F.S.).

²¹ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

²² A second degree felony is punishable by not more than 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

²³ A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S. *But see* ss. 775.082(10) and 921.00241, F.S. (prison diversion).

²⁴ Sections 825.103(3)(a)-(c) and 921.0022(3)(f)-(h), F.S. Chapter 825, F.S., is not intended to impose criminal liability on a person who makes a good faith effort to assist an elderly person or disabled adult in the management of the funds, assets, or property of the elderly person or disabled adult, which effort fails through no fault of the person. Section 825.105, F.S.

²⁵ Section 20.121(3)(a)2., F.S.

²⁶ The Office of Financial Regulation (OFR), *Fast Facts 12th Edition* (Jan. 2025), <https://www.flofr.gov/docs/default-source/documents/fast-facts.pdf> (last visited Jan. 20, 2026) (hereinafter cited as “2025 OFR Fast Facts”).

²⁷ Office of Financial Regulation, Bureau of Financial Investigations, <https://flofr.gov/divisions-offices/bureau-of-financial-investigations> (last visited Feb. 12, 2026).

including names, addresses, telephone, Social Security numbers or any other identifying information, is exempt.²⁸

Cybersecurity

There are federal standards for protecting customer information and Florida consumer protection laws for data security; however, there are no cybersecurity regulations under the financial services provisions. The Department of Legal Affairs (DLA) is responsible for enforcing such a violation and may disclose information to OFR relating to a covered entity's²⁹ violation of data security requirements of confidential personal information under consumer protection laws but the OFR has no regulatory authority to enforce any violation of the data security provisions in the consumer protection laws.³⁰

Federal Standards for Safeguarding Customer Information

Financial institutions³¹ subject to the Federal Trade Commission's (FTC) jurisdiction are regulated under the Federal Standards for Safeguarding Customer Information (Safeguard Rules).³² The Safeguard Rules do not apply to financial institutions that maintain customer information³³ for fewer than 5,000 customers.^{34,35} Financial institutions subject to the Safeguard Rules are required to develop, implement, and maintain a comprehensive written information

²⁸ *Id.*

²⁹ Section 501.171(1)(b), F.S., defines "covered entity" as a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information. The term also includes governmental entities with respect to certain notice requirements.

³⁰ Section 501.171(9)(a), F.S.

³¹ 16 C.F.R. 314.2 defines "financial institution" as any institution the business of which is engaging in activity that is financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution.

³² 16 C.F.R. 314.1(b).

³³ 16 C.F.R. 314.2(d) defines "customer information" as any record containing nonpublic personal information about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of a financial institution or a financial institution's affiliates. 16 C.F.R. 314.2(l) defines (1) "nonpublic personal information" as (i) Personally identifiable financial information; and (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. (2) Nonpublic personal information does not include: (i) Publicly available information; or (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available. 16 C.F.R. 314.2(b)(1) defines "consumer" as an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative.

³⁴ 16 C.F.R. 314.2(c) defines "customer" as a consumer who has a customer relationship with a financial institution. 16 C.F.R. 314.2(e)(1) defines "customer relationship" as a continuing relationship between a consumer and a financial institution under which the financial institution provides one or more financial products or services to the consumer that are to be used primarily for personal, family, or household purposes. 16 C.F.R. 314.2(g)(1) defines "financial product or service" as any product or service that a financial holding company could offer by engaging in a financial activity under section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

³⁵ 16 C.F.R. 314.6.

security program³⁶ that must be tailored to the size and complexity of the institution's system and activities, and must meet other specified criteria.³⁷

The information security program must also include several elements, for instance:

- Designating a qualified individual to oversee and implement the program;
- Basing the system on a risk assessment that identifies certain factors;
- Testing and monitoring the system;
- Implementing specified safeguards to control the risks;
- Implementing certain policies and procedures;
- Overseeing service providers;
- Evaluating and adjusting the program following the testing and monitoring results;
- Establishing a written incident response plan;
- Complying with reporting requirements; and
- Notifying the FTC of a qualifying event in certain circumstances.³⁸

A financial institution must notify the FTC of a notification event³⁹ that involves information of at least 5,000 consumers.⁴⁰ Such notification must be made as soon as possible, but no later than 30 days after discovery of the event, on the FTC's website and must include specified information.⁴¹

Florida Security of Confidential Personal Information

Section 501.171, F.S., provides covered entities, governmental entities, and third-party agents are required to take reasonable measures to protect and secure electronic data containing personal

³⁶ 16 C.F.R. 314.2(i) defines "information security program" as the administrative, technical, or physical safeguards a financial institution uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

³⁷ 16 C.F.R. 314.3(a).

³⁸ 16 C.F.R. 314.4.

³⁹ 16 C.F.R. 314.2(m) defines "notification event" as acquisition of unencrypted customer information without the authorization of the individual to which the information pertains. Customer information is considered encrypted for this purpose if the encryption key was accessed by an unauthorized person. Unauthorized acquisition will be presumed to include unauthorized access to unencrypted customer information unless the financial institution has reliable evidence showing that there has not been, or could not reasonably have been, unauthorized acquisition of such information.

⁴⁰ 16 C.F.R. 314.4(j)(1).

⁴¹ *Id.* Providing the notice must include: (i) The name and contact information of the reporting financial information; (ii) A description of the types of information that were involved in the notification event; (iii) If the information is possible to determine, the date or date range of the notification event; (iv) The number of consumers affected or potentially affected by the notification event; (v) A general description of the notification event; and (vi) Whether any law enforcement official has provided the financial institution with a written determination that notifying the public of the breach would impede a criminal investigation or cause damage to national security, and a means for the FTC to contact the law enforcement official.

information.^{42,43} When the security of a data system is breached, a covered entity must provide notice to the DLA, affected individuals, and credit reporting agencies in certain circumstances.⁴⁴ A covered entity that fails to provide the required notices may face civil penalties.⁴⁵

Notice to the Department of Legal Affairs

Covered entities must provide written notice of any breach of security that affects 500 or more Floridians to the DLA within 30 days after the determination of the breach or a reason to believe a breach occurred.⁴⁶ The notice may be delayed an additional 15 days for good cause, if certain conditions are met.⁴⁷ The notice must include specified information.⁴⁸ A covered entity must also provide certain information upon request of the DLA,⁴⁹ and may provide any other information regarding the breach to the DLA at any time to supplement the required information.⁵⁰

Notice to Individuals

A covered entity must provide notice to each individual in Florida whose personal information was, or is reasonably believed to have been, accessed as a result of a breach. Notice must be provided as quickly as possible, taking into account the time needed to determine the scope of the breach of security, to identify affected individuals, and to restore reasonable integrity of the

⁴² Section 501.171(1)(g), F.S., defines: 1. “personal information” as a. An individual’s first name or first initial and last name in combination with one of the following: (I) A social security number; (II) A driver license or identification card number, passport number, military identification number, or other number issued by a governmental entity used to verify identity; (III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password needed to permit access to the financial account; (IV) An individual’s medical history, mental or physical condition, or medical treatment or diagnosis; (V) An individual’s health insurance policy number or subscriber identification number and any unique identifier used by a health insurer; (VI) An individual’s biometric data; or (VII) Any information regarding an individual’s geolocation. b. A user name or e-mail address, in combination with a password or security question and answer is also considered “personal information.” 2. Information that is publicly available from a federal, state, or local governmental entity or information that is encrypted, secured, or modified by a method or technology that removes personally identifiable information is not considered “personal information.” Section 501.702(4), F.S., defines “biometric data” as data generated by automatic measurements of an individual’s biological characteristics. The term includes fingerprints, voiceprints, eye retinas or irises, or other unique biological patterns or characteristics used to identify a specific individual. The term does not include physical or digital photographs; video or audio recordings or data generated from video or audio recordings; or information collected, used, or stored for health care treatment, payment, or operations under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. ss. 1320d et seq.

⁴³ Section 501.171(2), F.S.

⁴⁴ Section 501.171(3) - (5), F.S.

⁴⁵ Section 501.171(9), F.S.

⁴⁶ Section 501.171(3)(a), F.S.

⁴⁷ *Id.*

⁴⁸ Section 501.171(3)(b), F.S. (providing the information that must be included is: 1. A synopsis of the events surrounding the breach at the time the notice is provided; 2. The number of individuals in this state who were or potentially have been affected by the breach; 3. Any services related to the breach being offered or scheduled to be offered by the covered entity to individuals, without charge, and instructions as to how to use such services; 4. A copy of the notice sent to individuals affected or potentially affected by the breach or an explanation of other actions being taken, such as a delay in notification at the request of law enforcement, a determination that the breach was unlikely to cause harm, or notice provided in compliance with federal law; and 5. The name, address, telephone number, and e-mail address of the employee of the covered entity from whom additional information may be obtained about the breach).

⁴⁹ Section 501.171(3)(c), F.S. (providing the information that must be provided is: 1. A police report, incident report, or computer forensics report; 2. A copy of the policies in place regarding breaches; and 3. Any steps taken by the covered entity to rectify the breach).

⁵⁰ Section 501.171(3)(d), F.S.

data system that was breached. However, notice must be provided within 30 days of determination of the breach or reason to believe a breach occurred unless specified exceptions apply.⁵¹ The notice must be sent to the individual's mailing address or e-mail address and must include specified information.⁵²

This notice may be substituted in lieu of direct notice to the individual if the cost of providing notice will exceed \$250,000, the number of affected individuals exceeds 500,000, or the covered entity does not have an e-mail address or mailing address for the affected individuals.⁵³ The substitute notice must include a conspicuous notice on the Internet website of the covered entity, if the entity maintains a website, and notice in print and broadcast media, including major media in urban and rural areas where the affected individuals reside.⁵⁴

Notice to Credit Reporting Agencies

If a breach requires more than 1,000 individuals to be notified at a single time, the covered entity must also notify all consumer reporting agencies that compile and maintain files on a nationwide basis of the timing, distribution, and content of the notices.⁵⁵

Securities Transactions

Federal Regulation

The Securities and Exchange Commission (SEC) oversees federal securities laws⁵⁶ broadly aimed at protecting investors; maintaining fair, orderly, and efficient markets; and facilitating capital formation.⁵⁷

The SEC has broad regulatory authority over significant parts of the securities industry, including investment advisers.⁵⁸ Investment advisers are required to register with the SEC unless an exception to registration applies.⁵⁹ Federal law provides that a family office is not considered an investment adviser,⁶⁰ and defines "family office" as a company that:⁶¹

⁵¹ Section 501.171(4)(a), F.S.

⁵² Section 501.171(4)(d) and (e), F.S. (providing the notice must include: 1. The date, estimated date, or estimated date range of the breach of security; 2. A description of the personal information that was accessed or reasonably believed to have been accessed as a part of the breach of security; and 3. Information that the individual can use to contact the covered entity about the breach of security and the individual's personal information maintained by the covered entity).

⁵³ Section 501.171(4)(f), F.S.

⁵⁴ *Id.*

⁵⁵ Section 501.171(5), F.S.

⁵⁶ Section 15, Securities and Exchange Act of 1934.

⁵⁷ Securities and Exchange Commission, *Mission*, <https://www.sec.gov/about/mission> (last visited Jan. 29, 2026).

⁵⁸ 15 U.S.C. 80b-1.

⁵⁹ 15 U.S.C. 80b-3.

⁶⁰ 17 C.F.R. 275.202(a)(11)(G)-1(a).

⁶¹ 17 C.F.R. 275.202(a)(11)(G)-1(b).

- Has no clients other than family clients,⁶² with one exception;⁶³
- Is wholly owned by family clients and is exclusively controlled (directly or indirectly) by one or more family members and/or family entities; and
- Does not hold itself out to the public as an investment adviser.

Securities Act of 1933

Following the stock market crash of 1929, the Securities Act of 1933⁶⁴ (Act of 1933) was enacted to regulate the offers and sales of securities. The Act of 1933 requires every offer and sale of securities to be registered with the Securities and Exchange Commission (SEC), unless an exemption from registration is available. The Act of 1933 requires issuers to disclose financial and other significant information regarding securities offered for public sale and prohibits deceit, misrepresentations, and other kinds of fraud in the sale of securities. The Act of 1933 requires issuers to disclose information deemed relevant to investors as part of the mandatory SEC registration of the securities that those companies offer for sale to the public.⁶⁵

Registered securities offerings, often called public offerings, are available to all types of investors and have more rigorous disclosure requirements. Initial public offerings (IPOs) provide an initial pathway for companies to raise unlimited capital from the general public through a registered offering. After its IPO, the company will be a public company with ongoing public reporting requirements.⁶⁶

By contrast, securities offerings that are exempt from SEC registration are referred to as private offerings and are mainly available to more sophisticated investors. The SEC exempts certain

⁶² 17 C.F.R. 275.202(a)(11)(G)-1(d)(4) defines “family client” as (i) Any family member; (ii) Any former family member; (iii) Any key employee; (iv) Certain former key employee; (v) Any non-profit organization, charitable foundation, charitable trust, or other charitable organization, in each case for which all the funding such foundation, trust or organization holds came exclusively from one or more other family clients; (vi) Any estate of a family member, former family member, key employee, or, subject to specified conditions, former key employee; (vii) Any irrevocable trust in which one or more other family clients are the only current beneficiaries; (viii) Any irrevocable trust funded exclusively by one or more other family clients in which other family clients and non-profit organization, charitable foundations, charitable trusts, or other charitable organizations are the only current beneficiaries; (ix) Any revocable trust of which one or more other family clients are the sole grantor; (x) Any trust of which: Each trustee or other person authorized to make decisions with respect to the trust is a key employee; and each settlor or other person who has contributed assets to the trust is a key employee or the key employee’s current and/or former spouse or spousal equivalent who, at the time of contribution, holds a joint, community property, or other similar shared ownership interest with the key employee; or (xi) Any company wholly owned (directly or indirectly) exclusively by, and operated for the sole benefit of, one or more other family clients; provided that if any such entity is a pooled investment vehicle, it is excepted from the definition of “investment company” under the Investment Company Act of 1940.

⁶³ 17 C.F.R. 275.202(a)(11)(G)-1(b) (providing that if a person that is not a family client becomes a client of a family office as a result of the death of a family member or key employee or other involuntary transfer from a family member or key employee, that person shall be deemed to be a family client for purposes of this section for one year following the completion of the transfer of legal title to the assets resulting from the involuntary event).

⁶⁴ Public Law 73-22, as amended through P.L. 117-268, enacted December 23, 2022.

⁶⁵ *Id.*

⁶⁶ U.S. Securities and Exchange Commission (SEC), *What does it mean to be a public company?* <https://www.sec.gov/education/capitalraising/building-blocks/what-does-it-mean-be-a-public-company> (last visited Jan. 28, 2024).

small offerings from registration requirements to foster capital formation by lowering the cost of offering securities to the public.⁶⁷

Florida Regulation of Securities

The federal securities acts expressly allow for concurrent state regulation under blue sky laws,⁶⁸ which are designed to protect investors against fraudulent sales practices and activities. Most state laws typically require companies making offerings of securities to register their offerings before they can be sold in a particular state, unless a specific state exemption is available. The laws also license brokerage firms, their brokers, and investment adviser representatives.⁶⁹

The scope of the OFR's jurisdiction includes the regulation and registration of the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals associated with these firms in accordance with the ch. 517, F.S.⁷⁰ The Division of Securities (division) within the OFR is responsible for administering the Securities and Investor Protection Act (SaIP Act). The SaIP Act prohibits dealers, associated persons, and issuers from offering or selling securities in this state unless registered with the OFR or specifically exempted.⁷¹ Additionally, all securities in Florida must be registered with the OFR unless they meet one of the exemptions in ss. 517.051 or 517.061, F.S., or are federally covered (i.e., under the exclusive jurisdiction of the SEC).

Florida Motor Vehicle Sales Finance Laws

The Florida Motor Vehicle Retail Sales Finance Act⁷² regulates sellers,⁷³ commonly referred to as auto dealers, who enter into retail installment contracts⁷⁴ with buyers⁷⁵ for the purchase or lease of a motor vehicle.⁷⁶ Except for certain businesses, such as banks or trust companies, sellers are required to obtain a license to operate in Florida.⁷⁷ A seller must submit an

⁶⁷ 17 C.F.R. s. 230.251.

⁶⁸ The term "blue sky" derives from the characterization of baseless and broad speculative investment schemes, which such laws targeted. Cornell Law School, Blue Sky Laws https://www.law.cornell.edu/wex/blue_sky_law#:~:text=In%20the%20early%201900s%2C%20decades,schemes%20which%20such%20laws%20targeted (last visited Jan. 28, 2024) (last visited Jan. 29, 2026).

⁶⁹ SEC, *Blue Sky Laws*, <http://www.sec.gov/answers/bluesky.htm> (last visited Jan. 29, 2026).

⁷⁰ Pursuant to s. 20.121(3), F.S. The jurisdiction of the OFR also includes state-chartered financial institutions and finance companies.

⁷¹ Section 517.12, F.S.

⁷² Sections 520.01-520.10, 520.12, 520.125, and 520.13, F.S.

⁷³ Section 520.02(11), F.S., defines "motor vehicle retail installment seller" or "seller" as a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions.

⁷⁴ "Retail installment contract" or "contract" is defined as an agreement, entered into in this state, pursuant to which the title to, or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a seller from a retail buyer as security, in whole or in part, for the buyer's obligation. The term includes a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract. Section 520.02(17), F.S.

⁷⁵ "Retail buyer" or "buyer" is defined as a person who buys a motor vehicle from a seller not principally for the purpose of resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person.

⁷⁶ See Ch. 520, F.S.

⁷⁷ Section 520.03(1), F.S.

application, specified information, and a nonrefundable fee to the Office of Financial Regulation (OFR) to obtain the required license.⁷⁸

Any person who willfully and intentionally violates any provision of s. 520.995, F.S., or engages in the business of a retail installment seller without a license is guilty of a misdemeanor of the first degree. Section 520.995, F.S., provides grounds for disciplinary action by the OFR when, for instance, there is failure to comply with any provision of ch. 520, F.S. Further, the OFR has authority to issue and serve upon any person a cease and desist order whenever such person is violating, has violated, or is about to violate any provision of ch. 520, F.S.,⁷⁹ or may impose an administrative fine not to exceed \$1,000 for each violation that has occurred.⁸⁰

Retail installment contracts must comply with several requirements and prohibitions, including, but not limited to, that the agreement must:

- Be in writing;⁸¹
- Contain a “Notice to the Buyer” which includes specified information;⁸² and
- Contain other specified information, including the amount financed, finance charges, total amount of payments, total sale price, and payment details.⁸³

Sellers must provide buyers with a separate written itemization of the amount financed.⁸⁴ Florida law contains several other provisions to protect the buyer, such as regulation on insurance rates, refunds for unearned insurance premiums, limits on the amount of delinquency charges a holder⁸⁵ may charge, and restrictions on when a contract may be signed with blank spaces.⁸⁶

⁷⁸ *Id.*

⁷⁹ Section 520.994(3), F.S.

⁸⁰ Section 520.994(4), F.S.

⁸¹ Section 520.07(1)(a), F.S.

⁸² Section 520.07(1)(b), F.S.

⁸³ Section 520.07(2), F.S.

⁸⁴ Section 520.07(3), F.S.

⁸⁵ Section 520.02(8), F.S., provides that a “holder” of a retail installment contract means the retail seller of a motor vehicle retail installment contract or an assignee of such contract.

⁸⁶ Section 520.07, F.S.

In conjunction with entering into any new retail installment contract or contract for a loan, a seller, a sales finance company,⁸⁷ or a retail lessor,⁸⁸ and any assignee of such an entity, may offer an optional guaranteed asset protection product⁸⁹ (“GAP product”) for a fee or otherwise.⁹⁰

A seller or any other authorized entity may not require the buyer to purchase a GAP product as a condition for making the loan. In order to offer a GAP product, a seller or any other authorized entity must comply with the following:⁹¹

- The cost of any GAP product must not exceed the amount of the loan indebtedness.
- Any contract or agreement pertaining to a GAP product must be governed by s. 520.07, F.S., relating to requirements and prohibitions as to retail installment contracts.
- A GAP product must remain the obligation of any person that purchases or otherwise acquires the loan contract covering such product.
- An entity providing GAP products must provide readily understandable disclosures that explain in detail eligibility requirements, conditions, refunds, and exclusions. The disclosures must explain that the purchase of the GAP product is optional, and must meet certain criteria regarding the language contained in it.
- An entity must provide a copy of the executed contract for the GAP product to the buyer.
- An entity may not offer a contract for a GAP product that contains terms giving the entity the right to unilaterally modify the contract unless:
 - The modification is favorable to the buyer and is made without any additional charge; or
 - The buyer is notified of any proposed change and is provided a reasonable opportunity to cancel the contract without penalty before the change goes in effect.
- If a contract for a GAP product is terminated, the entity must refund to the buyer all unearned portions of the purchase price of the contract unless the contract provides otherwise. A customer who receives the benefit of the GAP product is not entitled to a refund. The buyer must notify the entity of the event terminating the contract and request a refund within 90 days after the terminating event. An entity may offer a buyer a nonrefundable contract for a GAP product only if the entity also offers the buyer a bona fide option to purchase a comparable contract that provides for a refund. Florida law prohibits an entity from deducting more than \$75 in administrative fees from a refund.

⁸⁷ Section 520.02(19), F.S., defines “sales finance company” as a person engaged in the business of purchasing retail installment contracts from one or more sellers. The term includes, but is not limited to, a bank or trust company, if so engaged. The term does not include the pledge of an aggregate number of such contracts to secure a bona fide loan thereon.

⁸⁸ Section 521.003(8), F.S., defines “retail lessor” as a person who regularly engages in the business of selling or leasing motor vehicles and who offers or arranges a lease agreement for a motor vehicle. The term includes an agent or affiliate who acts on behalf of the retail lessor and excludes any assignee of the lease agreement.

⁸⁹ Section 520.02(7), F.S., defines “guaranteed asset protection product” as a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees, with or without a separate charge, to cancel or waive a customer’s liability for payment of some or all of the amount by which the debt exceeds the value of the collateral that has incurred total physical damage or is the subject of an unrecovered theft. A guaranteed asset protection product may also provide, with or without a separate charge, a benefit that waives a portion of, or provides a customer with a credit toward, the purchase of a replacement motor vehicle. Such a product is not insurance for purposes of the Florida Insurance Code. This subsection also applies to all guaranteed asset protection products issued before October 1, 2008.

⁹⁰ Section 520.07(11), F.S.

⁹¹ *Id.*

- GAP products may be cancelable or non-cancelable after a free-look period.⁹²
- If a GAP product is terminated because of:
 - A default under the retail installment contract or contract for a loan,
 - The repossession of the motor vehicle associated with such contract or loan, or
 - Any other termination of such contract or loan, a refund of the GAP product amount may be used to satisfy any balance owed on the retail installment contract or contract for a loan unless the buyer can show that the retail installment contract has been paid in full.

Money Services Businesses

The Office of Financial Regulation (OFR) regulates money services businesses (MSB) under ch. 560, F.S. A “money service business” is defined as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.⁹³ The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.⁹⁴

The OFR has authority to implement several disciplinary actions against a MSB for specified actions, such as failing to comply with the provisions of ch. 560, F.S., certain fraud or misrepresentation conduct, and refusing to allow the examination or inspection of books or files.⁹⁵ Section 560.114, F.S., provides for the following disciplinary actions:

- Issuing a cease and desist order;
- Issuing a removal order; or
- Denying, suspending, or revoking a license.⁹⁶

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.⁹⁷ The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, and related entities.⁹⁸ Of the 196 financial entities regulated by the OFR, 57 of them

⁹² Section 520.135(5), F.S., defines “free-look period” as the period of time, commencing on the effective date of the contract, during which the buyer may cancel the contract for a full refund of the purchase price. This period may not be shorter than 30 days.

⁹³ Section 560.103(23), F.S.

⁹⁴ Section 560.114(1), F.S.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Congressional Research Service, In Focus, *Introduction to Financial Services: Banking*, p. 1, (Updated April 1, 2025), <https://www.congress.gov/crs-product/IF10035?q=%7B%22search%22%3A%22introduction+to+financial+services%3A++banking%22%7D&s=2&r=1> (last visited Jan. 29, 2026).

⁹⁸ 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.

are state-chartered banks.⁹⁹ There are also approximately 30 federally-chartered banks operating in Florida.¹⁰⁰

Laws Relating to Directors and Executive Officers

Federally-chartered banks, publicly or privately held, must comply with rigorous regulatory requirements to become chartered.¹⁰¹ No person is allowed to offer any national bank issued security unless certain registration requirements are filed with the OCC,¹⁰² unless an exemption applies, such as nonpublic offerings.¹⁰³ State laws also specify requirements that a proposed new bank or trust company must comply with to be chartered, including minimum qualifications of directors and certain proposed executive officers.¹⁰⁴

Initial Application

The OFR is required to make certain findings before approving an application to organize a bank or trust company.¹⁰⁵ One such finding is that the proposed directors and officers have sufficient financial institution experience, ability, standing, and reputation to indicate a reasonable promise of successful operation.¹⁰⁶ Specifically, the OFR must find that at least two of the proposed directors who are not also proposed officers, and the proposed president or proposed chief executive officer, have had at least one year of direct experience as an executive officer, regulator, or director of a financial institution within five years before the date of the application.¹⁰⁷ The OFR has authority to waive this experience requirement for the proposed president or chief executive officer after considering the following criteria:¹⁰⁸

- The adequacy of the overall experience and expertise of the proposed president or chief executive officer;
- The likelihood of successful operation of the proposed state bank or trust company;
- The adequacy of the proposed capitalization;
- The proposed capital structure;
- The experience of the other proposed officers and directors; and
- Any other relevant data or information.

⁹⁹ 2025 OFR Fast Facts.

¹⁰⁰ The OCC, *National Banks Active As of 11/30/2025*, November 30, 2025, [national-by-state.pdf](#) last visited Jan. 29, 2026).

¹⁰¹ See 12 CFR 16; Office of the Comptroller of the Currency, *Comptroller's Licensing Manual Charters*, p. 4, December 2021, <https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/charters.pdf> (last visited Jan. 29, 2026).

¹⁰² 12 CFR 16.3

¹⁰³ 12 CFR 16.7

¹⁰⁴ Section 658.21, F.S.

¹⁰⁵ Section 658.21, F.S.

¹⁰⁶ Section 658.21(4)(a), F.S.

¹⁰⁷ Section 658.21(4)(b) and (c), F.S.

¹⁰⁸ Section 658.21(4)(c), F.S.

Director Qualifications

The board of directors of a bank or trust company must consist of at least five directors. Each director must be elected, except in cases when a director is appointed to fill a vacancy.¹⁰⁹ A majority of the directors must be United States citizens during their whole term of service, and must have resided in Florida for at least one year preceding their election, and must remain residents during their time in office.¹¹⁰ In the case of a bank or trust company with total assets of less than \$150 million, at least one, and in the case of a bank or trust company with total assets of \$150 million or more, two of the directors who are not also officers of the bank or trust company must have had at least one year of direct experience as an executive officer, regulator, or director of a financial institution within the last five years.¹¹¹

Disapproval of Directors and Executive Officers

Although federal law does not require a minimum amount of experience for proposed directors or executive officers, the appropriate Federal banking agency must issue a notice of disapproval if the competence, experience, character, or integrity of an individual indicates that it would not be in the best interests of the depositors of the depository institution or the public to permit the individual to be a director or be employed as a senior executive officer of the institution.¹¹² If the appropriate Federal banking agency issues a notice of disapproval before the end of a specified notice period, the entity may not add the individual to the board of directors.¹¹³

Similar to Federal law, Florida law also authorizes the OFR to disapprove the proposed appointment of any individual to the board of directors or employment of an individual as an executive officer if certain criteria are met, including, but not limited to, when the institution is non-compliant with minimum capital requirements or is otherwise operating in an unsafe and unsound condition.¹¹⁴

Credit Unions

A credit union must have a federal or state charter to operate in Florida. Credit unions are chartered and regulated as a national credit union by the National Credit Union Association (NCUA).¹¹⁵ Such membership is limited to a group or groups with a common bond of occupation or association within a defined community. Deposits into a federal credit union allow members

¹⁰⁹ Section 658.33(1), F.S.

¹¹⁰ Section 658.33(2), F.S.

¹¹¹ *Id.*

¹¹² 12 U.S.C. § 1831i(e).

¹¹³ 12 U.S.C. § 1831i(b).

¹¹⁴ Section 655.005(y), F.S., defines “unsafe and unsound practice” as: 1. 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.

¹¹⁵ National Credit Union Administration, *Overview of the Charter Application Process*, April 14, 2022, <https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-charter-application-process> (last visited Jan. 29, 2026).

to become owners of the credit union, run to become a credit union official, and vote on certain matters.¹¹⁶

The Florida Financial Institutions Codes apply to all state-chartered credit unions.¹¹⁷ There are approximately 138 credit unions in Florida¹¹⁸ with 67 of them being state-chartered.¹¹⁹ Florida law provides that any person may be admitted to a credit union upon payment of any required fee, payment of shares, and compliance with the credit union bylaws.¹²⁰ State-chartered credit unions operate as financial institutions except for exercising certain incidental powers authorized by law.¹²¹

Member Qualifications

An application must be filed with the OFR to organize a credit union.¹²² Any five or more residents of Florida who represent a limited field of membership may apply for permission to organize a credit union.¹²³ The application must be submitted on a prescribed form with specified information and a nonrefundable filing fee.¹²⁴

Membership Meetings

Members are required to notice and hold the annual meeting and any special meetings of the members at the time, place, and in the manner provided in the bylaws.¹²⁵ Each member has one vote.¹²⁶ The members must elect the board of directors and other committees prescribed in the bylaws and transact any other business that the bylaws allow.¹²⁷

Investments

Florida law regulates how credit unions may invest funds. There are no limits with respect to investing in some assets, for instance United States Treasury bonds. Examples of other classes of assets that are subject to investment limits include up to:¹²⁸

- Twenty-five percent of the credit union's capital in shares or deposit accounts in any one corporate credit union or other insured financial depository institution.
- One percent of the credit union's capital in corporate obligations of any one corporation which is an affiliate or subsidiary of the credit union in certain circumstances.
- Five percent of the credit union's capital in real estate and improvements, furniture, fixtures, and equipment utilized by the credit union for the transaction of business. Credit unions may

¹¹⁶ National Credit Union Administration, *Overview of Federal Credit Unions*, April 14, 2022, <https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-federal-credit-unions> (last visited Jan. 29, 2026).

¹¹⁷ Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes ch. 657, credit unions.

¹¹⁸ National Credit Union Service Organization, *Florida Credit Unions*, [Florida Credit Unions](#) (last visited Jan. 29, 2026).

¹¹⁹ 2025 OFR Fast Facts at p. 4.

¹²⁰ Section 657.023(1), F.S.

¹²¹ Section 657.031(3), F.S.

¹²² Section 657.005(1), F.S.

¹²³ Section 657.005(2), F.S.

¹²⁴ Section 657.005(3), F.S.

¹²⁵ Section 657.024(1), F.S.

¹²⁶ Section 657.024(2), F.S.

¹²⁷ Section 657.024(4), F.S.

¹²⁸ Section 657.042, F.S.

receive prior written approval from the OFR to exceed the five percent limit if the following criteria is met:

- The proposed investment is necessary.
- The amount is commensurate with the size and needs of the credit union.
- The investment will be beneficial to the members.
- A reasonable plan is developed to reduce the investment to statutory limits.

In 2015, the NCUA removed the federal regulation that restricted federal credit unions from investing more than five percent aggregate in fixed-asset investments.¹²⁹

Examination Costs

Financial Institutions

The OFR is required to conduct examinations of each financial institution at least once every 18 months. The OFR has discretion on whether to conduct more frequent examinations based upon the financial institution's risk profile, prior examination results, or significant changes in the institution or its operations.¹³⁰ The OFR may rely upon an examination conducted by an appropriate federal regulatory agency or may conduct a joint examination with the federal agency.¹³¹ The OFR may conduct an examination or investigation of an affiliate¹³² if the OFR has reason to believe that the conduct or business operations of such affiliate may have a negative impact on the state financial institution.¹³³

The OFR may recover costs¹³⁴ of examination and supervision of a state financial institution, subsidiary, or service corporation that is engaged in an unsafe or unsound practice. The OFR may also recover costs of an authorized examination or investigation of an affiliate. Any costs a financial institution pays by mail must be postmarked within 30 days after the date of receipt of the notice stating that such costs are due.¹³⁵

Family Trust Companies

The OFR may conduct an examination or investigation of a licensed family trust company to determine whether such company has violated or is about to violate any provision of ch. 662, F.S., any applicable provision of the Financial Institutions Code, or any rule adopted by the commission.¹³⁶ The OFR may also conduct an examination or investigation of a family trust company or foreign licensed family trust company to determine whether any applicable

¹²⁹ The NCUA, *Fixed-Asset Rule Provides Relief to More than 3,800 Federal Credit Unions* (July 23, 2015), [Fixed-Asset Rule Provides Relief to More than 3,800 Federal Credit Unions | NCUA](#) (last visited Feb. 15, 2026).

¹³⁰ Section 655.045(1), F.S.

¹³¹ Section 655.045(1)(a), F.S.

¹³² Section 655.005(1)(a), F.S., defines "affiliate" as a holding company of a financial institution established pursuant to state or federal law, a subsidiary or service corporation of such holding company, or a subsidiary or service corporation of a financial institution.

¹³³ Section 655.045(1)(b), F.S.

¹³⁴ Section 655.045(1)(d), F.S., defines "costs" as the salary and travel expenses directly attributable to the field staff examining the state financial institution, subsidiary, or service corporation, and the travel expenses of any supervisory staff required as a result of examination findings.

¹³⁵ Section 655.045(1)(c), F.S.

¹³⁶ Section 662.141, F.S.

provisions of the Financial Institutions Code has been violated or whether such company has engaged in any of the following conduct:¹³⁷

- Engaged in commercial banking;
- Engaged in unlicensed fiduciary services with the public;
- Served as personal representative or a copersonal representative of a probate estate;
- Served as an attorney in fact or agent;¹³⁸ or
- Advertised its services to the public.¹³⁹

A family trust company, licensed family trust company, or foreign licensed family trust company must pay a fee for the costs¹⁴⁰ of the examinations conducted by the OFR. Any costs mailed by a trust company must be postmarked within 30 days after the receipt of a notice stating that the costs are due.¹⁴¹

The Florida Consumer Collection Practices Act (FCCPA)

The FCCPA¹⁴² prohibits certain practices by any person when attempting to collect on a debt.¹⁴³ This law is the counterpart to the federal Fair Debt Collection Practices Act (FDCPA) with the purpose of eliminating “abusive and harassing tactics in the collection of debts.”¹⁴⁴ When collecting consumer debts,¹⁴⁵ collectors are not allowed to engage in certain conduct, such as use or threaten violence,¹⁴⁶ use profane or vulgar language,¹⁴⁷ or attempt to enforce an illegitimate debt.¹⁴⁸

¹³⁷ *Id.*

¹³⁸ Section 662.131, F.S.

¹³⁹ Section 662.134, F.S.

¹⁴⁰ Section 662.141(4), F.S., defines “costs” as the salary and travel expenses of field staff which are directly attributable to the examination of the trust company and the travel expenses of any supervisory and support staff required as a result of the examination findings.

¹⁴¹ *Id.*

¹⁴² Sections 559.55-559.785, F.S.

¹⁴³ “Debt collector” means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term “debt collector” includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. Section 559.55(7), F.S.

¹⁴⁴ The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, <https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/> (last visited Feb. 14, 2026).

¹⁴⁵ “Debt” or “consumer debt” means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgement.

Section 559.55(6), F.S.

¹⁴⁶ Section 559.72(2), F.S.

¹⁴⁷ Section 559.72(8), F.S.

¹⁴⁸ Section 559.72(9), F.S.

A debtor¹⁴⁹ may bring a civil action against a consumer collection agency¹⁵⁰ or any person attempting to collect on a debt in a manner prohibited by law within two years of the date the alleged violation occurred.¹⁵¹ The debtor may file such action “in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred.”¹⁵² If a collector does not comply with the provisions of s. 559.72, F.S., they are liable for actual and statutory damages up to \$1,000, court costs and attorney’s fees that are incurred by the plaintiff,¹⁵³ and punitive damages or other equitable relief the court finds necessary or proper.¹⁵⁴ Additionally, if there is an inconsistency between the FCCPA and the FDCPA, the provision which is more protective of the debtor will prevail.¹⁵⁵

The Fair Debt Collection Practices Act

The FDCPA (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices.¹⁵⁶ Under 12 CFR s. 1006.14, a debt collector is prohibited from engaging in harassing, oppressive, or abusive conduct in connection with collecting a debt. Examples of such conduct include repeated or continuous telephone calls or telephone conversations, violence or other criminal means, obscene or profane language, or coercive advertisements.

III. Effect of Proposed Changes:

The bill modifies provisions of laws governing financial services regulated by OFR. In addition, the bill requires the Florida Department of Children and Families to cooperate with and seek cooperation from Office of Financial Regulation (OFR) regarding protective investigations of financial exploitation reports.

Children and Families Financial Exploitation of Vulnerable Adults

Section 2 amends s. 415.017, F.S., relating to confidentiality of reports and records, to include any appropriate officials, employees, or agents of the OFR who are responsible for conducting investigations, to the list of persons, officials and agencies who may have access to confidential reports and records concerning abuse, neglect, or exploitation of vulnerable adults.

Section 1 amends s. 415.106, F.S., relating to cooperation by the Department of Children and Families (DCF) and criminal justice and other agencies, to require the DCF to cooperate with and seek cooperation from the OFR as it relates to protective investigations of suspected

¹⁴⁹ “Debtor” or “consumer” means any natural person obligated or allegedly obligated to pay any debt.

Section 559.55(8), F.S.

¹⁵⁰ “Consumer collection agency” means any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts, which debt collector or business is not expressly exempted as set forth in s. 559.553(3). Section 559.55(3), F.S.

¹⁵¹ Section 559.77(4), F.S.

¹⁵² Section 559.77(1), F.S.

¹⁵³ Section 559.77(2), F.S.

¹⁵⁴ *Id.*

¹⁵⁵ Section 559.552, F.S.

¹⁵⁶ The Federal Reserve, *Consumer Compliance Handbook*, <https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf>, (last visited Feb. 15, 2206).

financial exploitation of specified adults. The DCF is required to provide copies of all suspected financial exploitation reports received by the DCF's central abuse hotline (hotline) from any financial institution, securities dealer or investment advisor to the OFR within 15 days after receiving the report. The DCF is authorized to provide copies of any records generated related to the report upon the request of the OFR.

The bill authorizes the OFR to use the reports or records obtained from the DCF in any investigation or examination conducted under chs. 517 and 655, F.S. Except as provided in certain chapters, the bill provides all confidentiality provisions that apply to the DCF continues to apply to records made available to the OFR and its officials, employees and agents. The OFR may use the reports and records during an investigation or examination conducted pursuant to chs. 17 or 655, F.S.

The bill authorizes the DCF and the OFR to enter into a Memorandum of Agreement (MOA) which specifies how the OFR may assist the DCF in effective and efficient investigations of vulnerable adult abuse reported through DCF's hotline. Furthermore, the MOA must specify how assistance from the OFR to the DCF will be implemented.

Sections 16 and 17 modify the Financial Institutions Code to authorize the OFR to use the financial exploitation reports and related records obtained from the DCF during an investigation or examination conducted pursuant to chs. 517 or 655, F.S.

Section 7 amends s. 517.201, F.S., relating to investigations and examinations, to authorize the office to conduct investigations and examinations within or outside of the state to aid the DCF as provided in the MOA with any protective investigations the DCF is required to complete regarding financial exploitations of vulnerable adults. The bill authorizes the OFR to consider or use the reports or related records the OFR receives from the DCF as part of any investigation or examination conducted pursuant to the Florida Securities and Investor Protection Act (the "Securities Act").

Section 8 amends s. 517.34, F.S., and requires a dealer licensed under ch. 517, F.S., to notify the OFR of any delay in disbursement or transaction of funds or securities from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner within three days. The bill modifies the list of information that must be included when a licensed dealer notifies the OFR of any delay. The dealer must comply with the following:

- Provides notification in writing or by electronic notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the exception of any party the dealer or investment adviser reasonably believes has engaged in, or will attempt to engage in the suspected financial exploitation of the specified adult.
- Provides notification to the OFR of the delay electronically on a form prescribed by rule. The form must be consistent with the purpose of this section and must contain, but is not limited to, the following information:
 - The date on which the delay was first placed.
 - The name, age, address, or location, if different, of the specified adult.
 - The business location of the dealer or investment adviser.

- The name, address, and telephone number and title of the employee who reported suspected financial exploitation of the specified adult.
- The facts and circumstances that caused the employee to report suspected financial exploitation.
- The names, addresses, and telephone number of each person suspected of engaging in financial exploitation.
- The name, address, and telephone number of the caregiver of the specified adult, if different from the person or persons suspected of engaging in financial exploitation.
- A description of actions taken by the dealer or investment adviser, if any, such as notification to a criminal justice agency.
- Any other information available to the reporting person which may establish the cause of financial exploitation that occurred or is occurring.

The bill clarifies that compliance with the requirements related to financial exploitation of specified adults in the Securities Act does not substitute a dealer's or investment adviser's duty to report to the hotline.

Cybersecurity

The bill creates two new sections relating to information security programs. **Sections 3 and 11 of the bill** subjects: (a) mortgage brokers and lenders, and (b) money services businesses, to such cybersecurity regulation that are patterned after the Federal Safeguard Rules. **Section 8** subjects financial institutions to security requirements that are similar to the security requirements under consumer protection laws.

Mortgage Brokers and Lenders, and Money Services Businesses

Sections 3 and 11 of the bill regulate information security programs and cybersecurity event investigations of mortgage brokers and lenders, and money services businesses (MSB).

Information Security Program Requirements

Each licensee must develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information. Each licensee must ensure that the information security program meets all of the following criteria:

- Be commensurate with the following measures:
 - Size and complexity of the licensee.
 - Nature and scope of the licensee's activities.
 - Sensitivity of nonpublic personal information that is used by the licensee or that is in the licensee's possession, custody, or control.
- Be designed to do all of the following:
 - Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.
 - Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's information system.
 - Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.

- Define and periodically reevaluate the retention schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or required by law.
- Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.
- Be monitored, evaluated, and adjusted to meet the following requirements:
 - Determine whether the licensee's program is consistent with relevant changes in technology.
 - Confirm the licensee's program accounts for the sensitivity of nonpublic personal information.
 - Identify changes that may be necessary to the licensee's information system.
 - Mitigate any internal or external threats to nonpublic personal information.
 - Amend the licensee's program for any material changes to the licensee's business arrangements, such as mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

The licensee must establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that includes:

- The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;
- The licensee's information system; or
- The continuing functionality of any aspect of the licensee's operations.

The written incident response plan must address all of the following:

- The licensee's internal process for responding to a cybersecurity event.
- The licensee's incident response plan goals.
- The assignment of clear roles, responsibilities, and levels of decision making authority for the licensee's personnel that participate in the incident response plan.
- External communications, internal communications, and information sharing related to a cybersecurity event.
- The identification of remediation requirements for weaknesses identified in information systems and associated controls.
- The documentation and reporting regarding cybersecurity events and related incident response activities.
- The evaluation and revision of the incident response plan following a cybersecurity event.
- The process by which any required notice must be given.

This section does not apply to a licensee that has fewer than twenty employees or independent contractors on its workforce or five hundred customers during a calendar year.

A licensee that no longer qualifies for such an exemption has 180 calendar days to comply with the requirements after the date of the disqualification. Each licensee shall maintain a copy of the information security program for a minimum of five years and must make it available to the office upon request or as part of an examination.

Notice of Security Breach

Each licensee must provide notice as prescribed by commission rule to the OFR of any security breach affecting 500 or more individuals.

Construction

The bill provides that covered entities are not relieved from complying with s. 501.171, F.S., and any licensee that is a covered entity under that chapter remains subject to the requirements of that section.

Rules

The bill requires the commission to adopt rules to administer the sections, including rules that allow a licensee that is in compliance with the Safeguard Rules to be deemed in substantial compliance with information security program requirements.

Definitions

The bill defines all of the following terms:

- “Customer” means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.
- “Customer information” means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.
- “Cybersecurity event” means an event resulting in unauthorized access to, or disruption or misuse of, an information system, or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.
- “Encrypted” means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.
- “Financial product or service” means any product or service offered by a licensee.
- “Information security program” means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
- “Information system” means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.
- “Licensee” means a person licensed under the relevant chapter 494 or 560, F.S.
- “Nonpublic personal information” means:

- Personally identifiable financial information;¹⁵⁷ and
- Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.
- The term does not include:
 - Publicly available information,¹⁵⁸ except as included on a list, description, or other grouping of customers described above;
 - Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or
 - Any list of individuals' names and addresses which contain only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.
- "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.
- "Personally identifiable financial information" means any information that:
 - A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;
 - A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the

¹⁵⁷ "Personally identifiable financial information" means any information that: (A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service; (B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or (C) A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee. The term "personally identifiable financial information" does not include: (A) A list of names and addresses of customers of an entity that is not a financial institution; or (B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

¹⁵⁸ "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from: (A) Federal, state, or local government records, such as government real estate records or security interest filings; (B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or (C) Disclosures to the general public which are required to be made by federal, state, or local law. The term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has taken steps to determine: (A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and (B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

- consumer, such as information collected through an information-collecting device from a web server; or
- A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee’s customers or has obtained a financial product or service from the licensee.
- The term “personally identifiable financial information” does not include:
- A list of names and addresses of customers of an entity that is not a financial institution; or
 - Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names or addresses.
- “Publicly available information” means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:
 - Federal, state, or local government records, such as government real estate records or security interest filings;
 - Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or
 - Disclosures to the general public which are required to be made by federal, state, or local law.
 - “Reasonable basis to believe is lawfully made available to the general public” relates to any information that the person has taken steps to determine:
 - That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and
 - Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.
 - “Third-party service provider” means a person, other than the licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

Financial Institutions

Section 15 creates s. 655.0171, F.S., and requires each financial institution to take reasonable measures to protect and secure data that are in electronic form and that contain personal information.

Required Notices

Each financial institution must provide notice that meet specified requirements of any security breach affecting 500 or more individuals in Florida to all of the following entities or individuals:

- The OFR as expeditiously as practicable, but no later than 30 days after a determination that a breach has occurred or a reason to believe that a breach has occurred which must include

all requirements under s. 501.171(3)(b), F.S.¹⁵⁹ A financial institution must include all of the following items, upon request:¹⁶⁰

- A police report, incident report, or computer forensics report.
- A copy of the policies in place regarding breaches.
- Steps that have been taken to rectify the breach.

A financial institution may provide the OFR with supplemental information regarding a breach at any time.

- The Department of Legal Affairs (DLA) in accordance with notice requirements of any security breach under consumer protection laws.¹⁶¹
- Each individual in this state whose personal information was, or the financial institution reasonably believes to have been, accessed as a result of the breach in accordance with the notice requirements of any security breach under consumer protection laws.¹⁶² Such notice must be provided no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred. This deadline may be extended for an additional 15 days if good cause for delay is provided in writing to the OFR within 30 days after determination of the breach or the reason to believe that a breach has occurred.
- If a financial institution discovers circumstances requiring notice to more than 1,000 individuals at a single time, the financial institution shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on a nationwide basis¹⁶³ of the timing, distribution, and content of the notices.

Definitions

- “Breach of security” or “breach” means unauthorized access of data in electronic form¹⁶⁴ containing personal information. Good faith access of personal information by an employee or agent of a financial institution does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.
- “Department” means the Department of Legal Affairs.
- “Personal information” means:

¹⁵⁹ Section 501.171(3)(b), F.S. (requiring the following information to be provided in the written notice to the DLA: 1. A synopsis of the events surrounding the breach; 2. The number of individuals in the state who were or potentially have been affected by the breach; 3. Any services related to the breach being offered or scheduled to be offered, without charge, by the covered entity to individuals, and instructions how to use such services; 4. A copy of the notice required to be provided to individuals or an explanation of the other actions taken regarding such notice; 5. The name, address, telephone number, and e-mail address of the employee or agent of the covered entity from whom additional information may be obtained about the breach).

¹⁶⁰ A financial institution may provide the OFR with supplemental information at any time.

¹⁶¹ See s. 501.171(3), F.S.

¹⁶² See s. 501.171(4), F.S.

¹⁶³ 15 U.S.C. s. 1681a(p) defines “consumer reporting agency that compiles and maintains files on consumers on a nationwide basis” as a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer’s credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide: (1) public record information. (2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.

¹⁶⁴ The term “data in electronic form” means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

- An individual's first name, or first initial, and last name, in combination with any of the following data for that individual:
 - A social security number;
 - A driver license or identification card number, passport number, military identification number, or other similar number issued on a government document;
- A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual's financial account;
 - The individual's biometric data;¹⁶⁵ or
 - Any information regarding the individual's geolocation; or
- A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.
- The term does not include:
 - Information about an individual which has been made publicly available by a federal, state, or local governmental entity.
 - Information that is encrypted, secured, or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

Disciplinary Actions and Penalties

Section 4 of the bill subjects mortgage brokers and mortgage lenders who are covered under the cybersecurity regulation to any administrative fines or penalties provided in s. 494.00255, F.S., for failure to comply with notification requirements to the DLA and individuals whose personal information was, or the covered entity reasonably believes to have been, accessed as a result of the breach.¹⁶⁶ **Section 10** of the bill subjects money services businesses who are covered under the cybersecurity regulation to any disciplinary actions or penalties provided in s. 560.114, F.S., for failing to make such notifications.

Securities Transactions

Section 5 amends s. 517.021, F.S., to amend the definition of "investment adviser" to exclude the following persons from regulation as investment advisers:

- During the preceding 12 months, a person that:
 - Without a place of business in the state, has had fewer than six clients who are residents of the state.
 - With a place of business in the state, has had fewer than six clients who are residents of the state and no clients who are not residents of the state.

Current law provides a person that, during the preceding 12 months, has fewer than six clients who are residents of Florida are not investment advisers without distinguishing whether the place of business is in the state. Therefore, the amendment in the bill narrows the exemption in current law to provide that a person who has a place of business in Florida is not an investment adviser

¹⁶⁵ *Supra* note 16.

¹⁶⁶ *See* s. 501.171(3) and (4), F.S.

only if such business has no clients who are residents out-of-state during the preceding 12 months.

- A family office as defined by specified provisions in Securities and Exchange Commission Rule under the Investment Advisers Act of 1940, as amended.¹⁶⁷ The bill clarifies when determining whether a person meets the definition of “family offices,” the following terms have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d), 17 C.F.R. s. 275.202(a)(11)(G)-1(d):
 - Affiliated family office;¹⁶⁸
 - Control;¹⁶⁹
 - Executive officer;¹⁷⁰
 - Family client;¹⁷¹
 - Family entity;¹⁷²
 - Family member;¹⁷³
 - Former family member;¹⁷⁴
 - Key employee;¹⁷⁵ and
 - Spousal equivalent.¹⁷⁶

Section 6 amends s. 517.061, F.S., to provide the same definitions for these terms to clarify when an offer or sale of securities to a “family office” is exempt from registration requirements.

¹⁶⁷ *Supra* 35; 17 C.F.R. s. 275.202(a)(11)(G)-1(b).

¹⁶⁸ 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(1) defines “affiliated family office” as a family office wholly owned by family clients of another family office and that is controlled (directly or indirectly) by one or more family members of such other family office and/or family entities affiliated with such other family office and has no clients other than family clients of such other family office.

¹⁶⁹ 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(2) defines “control” as the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of being an officer of such company.

¹⁷⁰ 17 C.F.R. s. 275.202(a)(11)(G)-1(3) defines “executive officer” as the president, any vice president in charge of a principal business unit, division or function (such as administration or finance), any other officer who performs a policy-making function, or any other person who performs similar policy-making functions, for the family office.

¹⁷¹ *Supra* 36.

¹⁷² 17 C.F.R. s. 275.202(a)(11)(G)-1(5) defines “family entity” as any of the trusts, estates, companies or other entities described in the definition of “family client” in 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(4)(v)-(ix) or (xi), but excluding key employees and their trusts from the definition of family client solely for purposes of this definition.

¹⁷³ 17 C.F.R. s. 275.202(a)(11)(G)-1(6) defines “family member” as all lineal descendants (including by adoption, stepchildren, foster children, and individuals that were a minor when another family member became a legal guardian of that individual) of a common ancestor (who may be living or deceased), and such lineal descendants’ spouses or spousal equivalents; provided that the common ancestor is no more than 10 generations removed from the youngest generation of family members.

¹⁷⁴ 17 C.F.R. s. 275.202(a)(11)(G)-1(7) defines “former family member” as a spouse, spousal equivalent, or stepchild that was a family member but is no longer a family member due to a divorce or other similar event.

¹⁷⁵ 17 C.F.R. s. 275.202(a)(11)(G)-1(8) defines “key employee” as any natural person (including any key employee’s spouse or spouse equivalent who holds a joint, community property, or other similar shared ownership interest with that key employee) who is an executive officer, director, trustee, general partner, or person serving in a similar capacity of the family office or its affiliated family office or any employee of the family office or its affiliated family office (other than an employee performing solely clerical, secretarial, or administrative functions with regard to the family office) who, in connection with his or her regular functions or duties, participates in the investment activities of the family office or affiliated family office, provided that such employee has been performing such functions and duties for or on behalf of the family office or affiliated family office, or substantially similar functions or duties for or on behalf of another company, for at least 12 months.

¹⁷⁶ 17 C.F.R. s. 275.202(a)(11)(G)-1(9) defines “spousal equivalent” as cohabitant occupying a relationship generally equivalent to that of a spouse.

Cross-references to the Securities and Exchange Commission Rule that defines “family office” are updated.

Section 5 amends s. 517.021, F.S., to define “place of business” as an office at which the investment adviser regularly provides investment advisory services to, solicits, meets with, or otherwise communicates with clients; and any other location that is held out to the general public as a location at which the investment adviser provides investment advisory services to, solicits, meets with, or otherwise communicates with clients.

Surrendered or Repossessed Motor Vehicles

Section 9 creates s. 520.135, F.S., relating to surrendered or repossessed vehicles, to provide that a parties’ rights and obligations with respect to a surrendered or repossessed motor vehicle are exclusively governed by the Uniform Commercial Code, Secured Transactions, part VI of ch. 679, F.S.

Money Services Businesses Disciplinary Actions and Penalties

Grounds for Disciplinary Actions and Penalties

Section 10 amends s. 560.114, F.S., relating to disciplinary actions, to clarify that an affiliated party of a money services business that is subject to disciplinary actions and penalties of ch. 560, F.S., must be affiliated at the time of commission of the actions. Grounds for disciplinary actions and penalties are expanded to include being convicted, or entering a plea to a crime, regardless of adjudication, to the following provisions:

- A violation of the 31 U.S.C., Bank Secrecy Act, relating to:
 - Section 5318 requiring appropriate procedures and reporting requirements to guard against money laundering, the financing of terrorism, or other forms of illicit finance; compliance with lawful summons; and reporting suspicious transactions.
 - Section 5322 providing for criminal penalties relating to the following provisions or rules prescribed under such sections:
 - 31 USC Subtitle IV, Chapter 53, Subchapter II (except ss. 5315, 5324, and 5336), relating to records and reports on money instruments transactions or an order issued under such subchapter.
 - Section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508, relating to retention of records and compliance with such retention requirements by depository institutions.
 - 31 U.S.C. s. 5318(a)(2) relating to a domestic financial institutions obligation to maintain appropriate procedures to ensure compliance with anti-money laundering regulations.
 - 31 U.S.C. s. 5318(i) relating to certain financial institution’s requirements to maintain due diligence policies and procedures.
 - 31 U.S.C. s. 5318(j) relating to prohibitions on United States Correspondent Accounts with Foreign Shell Banks.
 - 31 U.S.C. s. 5318A relating to special measures required by the Secretary of Treasury.

- A violation of 31 C.F.R. ch. X, part 1022, relating to rules for anti-money laundering programs for money services businesses, including requirements to establish policies and procedures for such program, and comply with reporting and filing provisions.

Orders Suspending a License

The bill requires, rather than authorizes, the OFR, to issue an emergency suspension order suspending the license of a money service business if the OFR finds the licensee poses a danger deemed by the Legislature to be an immediate and serious danger to the public health, safety, and welfare.

The bill authorizes the OFR to issue an emergency suspension order without prior notice and opportunity to be heard. The emergency suspension order must:

- State the grounds on which the order is based;
- Advise the licensee against whom the order is directed that the order takes effect immediately, and to the extent applicable, requires the licensee to immediately cease and desist from the conduct or violation that is the subject of the order or to take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation or as otherwise appropriate;
- Be delivered by personal delivery or sent by certified mail, return receipt requested, to the licensee against whom the order is directed at the licensee's last known address; and
- Include a notice that the licensee subject to the emergency suspension order may seek judicial review pursuant to s. 120.68, F.S.

The bill establishes the emergency order is effective as soon as the licensee against whom the order is directed has actual or constructive knowledge of the issuance of the order. The bill also directs the OFR, after the issuance of an emergency order, to timely institute proceedings under ss. 120.569 and 120.57, F.S. The bill clarifies, a licensee subject to an emergency suspension order may seek judicial review pursuant to s. 120.68, F.S.

Consumer Debt Collection

Section 12 amends s. 560.309, F.S., relating to conduct of business, to clarify that a licensee who is a check casher attempting to collect funds on a returned check from a payor financial institution must comply with the Florida Consumer Collection Practices Act under part VI, ch. 559, F.S., including s. 559.77, F.S. The licensee is required to comply with the Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f, if the licensee uses a third-party debt collector or any other name other than its own to collect such debts. Thus, the bill does not specify that a first-party debt collector that collects debts in its own name is subject to the Fair Debt Collection Practices Act.

Section 14 amends s. 560.406, F.S., relating to worthless checks, to clarify that a deferred presentment provider attempting to collect funds on a returned check from a payor financial institution must comply with the Florida Consumer Collection Practices Act under part VI, ch. 559, F.S., including s. 559.77, F.S. A deferred presentment provider is required to comply with the Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f, if the provider uses a third-party debt collector or any other name other than its own to collect such debts. Thus, the bill does not specify that a deferred presentment provider that is a first-party

debt collector that collects debts in its own name is subject to the Fair Debt Collection Practices Act.

Deferred Payment Providers

Section 13 amends s. 560.405, F.S., relating to deposit, to clarify redemption of a check in cash must be treated in the same manner as redemption through a debit card transaction.

Financial Institutions Director and Officer Qualifications

Sections 21 and 22 amends ss. 658.21 and 658.33, F.S., respectively, to modify when the OFR must approve an application for the creation of a banking or trust corporation to require at least two of the proposed directors who are not also proposed officers, and the proposed president or chief executive officer, to have at least one year of direct experience as an executive officer, regulator, or director within the last 10 years, rather than within the last five years. The bill requires, rather than authorizes, the OFR to waive this experience requirement for the proposed president or chief executive officer after considering the specified criteria in current law.¹⁷⁷

Similarly, directors' minimum qualifications are amended to require (a) in the case of a bank or trust company with a total assets of less than \$150 million, at least one director, and (b) in the case of a bank or trust company with total assets of \$150 million or more, two of the directors, who are not also officers of the bank or trust company at least one year of direct experience as an executive officer, regulator, or director of a financial institution within the 10 years, rather than the last five years.

Credit Unions

Member Qualifications and Meetings

Section 18 amends s. 657.005, F.S., relating to application for authority to organize a credit union, to reduce the number of individuals who apply to organize a credit union that must reside in the state from all individuals to a majority of individuals.

Section 19 amends s. 657.024, F.S., relating to membership meetings, to remove investment restrictions in real estate and equipment for the credit union. The section also allows credit union members to meet electronically for annual and special meetings and without an in-person quorum and provides virtual attendance may satisfy quorum requirements, subject to the credit union's bylaws.

Investments

Section 20 amends s 657.042, F.S., relating to investment powers and limitations, to repeal a provision that provides a credit union may invest only up to five percent of the credit union's capital in real estate and improvements, furniture, fixtures, and equipment utilized by the credit union for the transaction of business. A related provision is also repealed allowing credit unions to exceed the five percent limit with prior written approval by the OFR if all the specified criteria are met. This amendment is intended to make state credit unions more competitive with federal

¹⁷⁷ *Supra* note 76.

credit unions that no longer must comply with similar requirements. Further, the OFR reports that the “NCUA’s examination and supervision program will address credit unions’ safe and sound management of fixed assets.”¹⁷⁸

Examination costs

Sections 17 and 23 of the bill extend the time for a financial institution and family trust company to pay staff examination costs from 30 to 45 days.

Section 24 of the bill amends s. 517.12(21), F.S., to update a cross-reference.

Section 25 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:

None.

¹⁷⁸ The OFR, *2025 Agency Legislative Bill Analysis for SB 1612* (March 10, 2025) (on file with Senate Committee on Banking and Insurance).

C. Government Sector Impact:

The bill does not impact state revenues or expenditures.¹⁷⁹ The Office of Financial Regulation (OFR) reports that the requirements the agency must comply with under the provisions of the bill will be absorbed within the agency's existing resources.¹⁸⁰ The Department of Children and Families is required to cooperate with and provide certain reports to OFR. The costs of which can be absorbed within the department's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 415.106, 415.107, 494.00255, 517.021, 517.061, 517.201, 517.34, 520.135, 560.114, 560.1311, 560.309, 560.405, 560.406, 655.0171, 655.032, 655.045, 657.005, 657.024, 657.042, 658.21, 658.33, 662.141, and 517.12.

This bill creates the following sections of the Florida Statutes: 494.00123, 560.1311, and 655.0171.

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 Appropriations Committee on Agriculture, Environment, and General Government on February 12, 2026:

This committee substitute:

- Adds any appropriate officials, employees, or agents of the Office of Financial Regulation (OFR) to the list of officials and agencies that may receive copies of all records of abuse, neglect, or exploitation of a vulnerable adult in the possession of the Department of Children and Families (DCF).
- Requires the DCF to cooperate with and seek cooperation from OFR concerning protective investigations of suspected financial exploitation of specified adults.

¹⁷⁹ The OFR, *2026 Agency Legislative Bill Analysis for SB 540* (Dec. 29, 2025), p. 5, (on file with the Senate Committee on Banking and Insurance).

¹⁸⁰ Email from Ash Mason, Legislative and Cabinet Affairs Director, Office of Financial Regulation to Jacqueline Moody, Senior Attorney, Florida Senate Committee on Banking and Insurance, *Re: SB 540 – OFR*, (Feb. 13, 2026) (on file with the Senate Committee on Banking and Insurance).

- Requires the DCF to provide copies of suspected financial exploitation reports and authorizes the DCF to provide copies of any records generated as a result of such reports within a specified time.
- Authorizes the OFR to use the reports and records during an investigation or examination.
- Except as provided in certain chapters, all confidentiality provisions that apply to the DCF continue to apply to the records provided to the OFR.
- Authorizes the DCF and the OFR to enter into a memorandum of agreement that specifies certain information.
- Modifies the Financial Institutions Code and the Florida Securities and Investor Protection Act (the “Securities Act”) to authorize the OFR to consider and use any suspected financial exploitation report or related records as part of the OFR’s investigation and examinations of financial institutions, security dealers, and investment advisers.
- Modifies the list of information that must be included in notice that a dealer or investment adviser files with the OFR.
- Clarifies that a dealer’s or investment adviser’s compliance with the protection of specified adults provision in the Securities Act does not substitute the dealer’s or investment adviser’s duty to report to the central abuse hotline.
- Removes the requirement for a cybersecurity event investigation.
- Removes the requirement for a licensee to provide a quarterly update of a cybersecurity event investigation upon the OFR’s request.
- Requires an information security program to mitigate, rather than eliminate, any internal or external threats to nonpublic personal information.
- Requires a licensee to amend the information security program for any material change, rather any change, in the licensee’s business arrangements.
- Requires, rather than authorizes, the Financial Services Commission to adopt rules which includes allowing a licensee that is in “compliance,” instead of “full compliance,” with federal safeguarding rules to be deemed in “substantial compliance” with the state cybersecurity regulation relating to chs. 494 (loan originators and mortgage brokers) and 560, F.S. (money services businesses).
- Specifies information that an emergency order must contain and certain delivery and notice requirements.
- Clarifies the timeframe within which the OFR must institute proceedings after issuing an emergency order.
- Removes the provision that an emergency order that the OFR must issue in specified circumstances must be “without making further findings of immediate danger, necessity, and procedural fairness.”
- Requires third-party and first party debt collectors to comply with state consumer collection practices only and amends current law to clarify that federal requirements prohibiting harassment or abuse, false or misleading representations, and unfair practices apply if the licensee is a third-party debt collector or any name other than its own to collect such debts.
- With respect to deferred presentment providers, clarifies that redemptions in cash or through a debit card transaction must be treated the same. Prohibits payment by credit card.

- Modifies and defines specified terms.

CS by Banking and Insurance Committee on January 13, 2026:

- Provides that parties' rights and obligations relating to a surrendered or repossessed motor vehicle are governed exclusively by the Uniform Commercial Code;
- Clarifies that credit union annual and special meetings held virtually do not require a quorum in-person;
- Allows credit unions to consider virtual attendees to satisfy quorum requirements for annual and special meetings held virtually;
- Clarifies when a person meets a definition of "family office" for purposes of an exemption as an investment adviser and an exemption from registration requirements for an offer or sale of securities; and
- Removes **Section 4** of the bill that modifies the Financial Technology Sandbox provisions.

B. Amendments:

None.



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LEGISLATIVE ACTION

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

The Appropriations Committee on Agriculture, Environment, and General Government (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 96 - 971

and insert:

Section 1. Subsection (4) is added to section 415.106, Florida Statutes, to read:

415.106 Cooperation by the department and criminal justice and other agencies.—

(4) To the fullest extent possible, the department shall cooperate with and seek cooperation from the Office of Financial



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11 Regulation concerning protective investigations of suspected
12 financial exploitation of specified adults, as defined in s.
13 415.10341, which are reported to the central abuse hotline and
14 which the department is responsible for conducting pursuant to
15 s. 415.104.

16 (a) In accordance with s. 415.107, the department must
17 provide copies of all suspected financial exploitation reports
18 received by the central abuse hotline pursuant to s. 415.1034
19 from any financial institution as defined in s. 655.005(1),
20 securities dealer as defined in s. 517.021(12), or investment
21 adviser as defined in s. 517.021(20) to the Office of Financial
22 Regulation within 15 days after receiving the report. The
23 department may provide copies of any records generated as a
24 result of such reports at the request of the Office of Financial
25 Regulation within 15 days after such request.

26 1. The Office of Financial Regulation may use the reports
27 or records obtained as required or authorized in this subsection
28 during an investigation or examination conducted pursuant to
29 chapter 517 or chapter 655.

30 2. Except as provided in this chapter and chapters 517 and
31 655, all confidentiality provisions that apply to the department
32 continue to apply to the records made available to the Office of
33 Financial Regulation and its officials, employees, and agents
34 under s. 415.107.

35 (b) The department and the Office of Financial Regulation
36 may enter into a memorandum of agreement that specifies how the
37 Office of Financial Regulation, in the agency's role as the
38 regulator of financial institutions, may assist the department
39 with effectively and efficiently conducting a protective



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40 investigation of any vulnerable adult abuse report received by
41 the central abuse hotline, and that specifies how such
42 assistance will be implemented.

43 Section 2. Paragraph (m) is added to subsection (3) of
44 section 415.107, Florida Statutes, to read:

45 415.107 Confidentiality of reports and records.—

46 (3) Access to all records, excluding the name of the
47 reporter which shall be released only as provided in subsection
48 (6), shall be granted only to the following persons, officials,
49 and agencies:

50 (m) Any appropriate officials, employees, or agents of the
51 Office of Financial Regulation who are responsible for
52 conducting investigations pursuant to chapters 517 and 655.

53 Section 3. Section 494.00123, Florida Statutes, is created
54 to read:

55 494.00123 Information security programs.—

56 (1) DEFINITIONS.—As used in this section, the term:

57 (a) "Customer" means a person who seeks to obtain or who
58 obtains or has obtained a financial product or service from a
59 licensee.

60 (b) "Customer information" means any record containing
61 nonpublic personal information about a customer of a financial
62 transaction, whether on paper, electronic, or in other forms,
63 which is handled or maintained by or on behalf of the licensee
64 or its affiliates.

65 (c) "Cybersecurity event" means an event resulting in
66 unauthorized access to, or disruption or misuse of, an
67 information system or customer information stored on such
68 information system. The term does not include the unauthorized



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69 acquisition of encrypted customer information if the encryption
70 process or key is not also acquired, released, or used without
71 authorization. The term does not include an event with regard to
72 which the licensee has determined that the customer information
73 accessed by an unauthorized person has not been used or released
74 and has been returned or destroyed.

75 (d) "Encrypted" means the transformation of data into a
76 form that results in a low probability of assigning meaning
77 without the use of a protective process or key.

78 (e) "Financial product or service" means any product or
79 service offered by a licensee under this chapter.

80 (f) "Information security program" means the
81 administrative, technical, or physical safeguards used to
82 access, collect, distribute, process, protect, store, use,
83 transmit, dispose of, or otherwise handle customer information.

84 (g) "Information system" means a discrete set of electronic
85 information resources organized for the collection, processing,
86 maintenance, use, sharing, dissemination, or disposition of
87 electronic information, as well as any specialized system such
88 as an industrial process control system, telephone switching and
89 private branch exchange system, or environmental control system,
90 which contain customer information or which are connected to a
91 system that contains customer information.

92 (h)1. "Nonpublic personal information" means:

93 a. Personally identifiable financial information; and

94 b. Any list, description, or other grouping of customers
95 which is derived using any personally identifiable financial
96 information that is not publicly available, such as account
97 numbers, including any list of individuals' names and street



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98 addresses which is derived, in whole or in part, using
99 personally identifiable financial information that is not
100 publicly available.

101 2. The term does not include:

102 a. Publicly available information, except as included on a
103 list, description, or other grouping of customers described in
104 sub-subparagraph 1.b.;

105 b. Any list, description, or other grouping of consumers,
106 or any publicly available information pertaining to such list,
107 description, or other grouping of consumers, which is derived
108 without using any personally identifiable financial information
109 that is not publicly available; or

110 c. Any list of individuals' names and addresses which
111 contains only publicly available information, is not derived, in
112 whole or in part, using personally identifiable financial
113 information that is not publicly available, and is not disclosed
114 in a manner that indicates that any of the individuals on the
115 list is a customer of a licensee.

116 3. As used in this paragraph, the term:

117 a.(I) "Personally identifiable financial information" means
118 any information that:

119 (A) A customer provides to a licensee to obtain a financial
120 product or service, such as information that a customer provides
121 to a licensee on an application to obtain a loan or other
122 financial product or service;

123 (B) A licensee receives about a consumer which is obtained
124 during or as a result of any transaction involving a financial
125 product or service between the licensee and the customer, such
126 as information collected through an information-collecting



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127 device from a web server; or

128 (C) A licensee otherwise obtains about a customer in
129 connection with providing a financial product or service to the
130 customer, such as the fact that an individual is or has been one
131 of the licensee's customers or has obtained a financial product
132 or service from the licensee.

133 (II) The term "personally identifiable financial
134 information" does not include:

135 (A) A list of names and addresses of customers of an entity
136 that is not a financial institution; or

137 (B) Information that does not identify a customer, such as
138 blind data or aggregate information that does not contain
139 personal identifiers such as account numbers, names, or
140 addresses.

141 b.(I) "Publicly available information" means any
142 information that a licensee has a reasonable basis to believe is
143 lawfully made available to the general public from:

144 (A) Federal, state, or local government records, such as
145 government real estate records or security interest filings;

146 (B) Widely distributed media, such as information from a
147 telephone records repository or directory, a television or radio
148 program, a newspaper, a social media platform, or a website that
149 is available to the general public on an unrestricted basis. A
150 website is not restricted merely because an Internet service
151 provider or a site operator requires a fee or a password, so
152 long as access is available to the general public; or

153 (C) Disclosures to the general public which are required to
154 be made by federal, state, or local law.

155 (II) As used in this sub-subparagraph, the term "reasonable



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156 basis to believe is lawfully made available to the general
157 public” relating to any information means that the person has
158 taken steps to determine:

159 (A) That the information is of the type that is available
160 to the general public, such as information included on the
161 public record in the jurisdiction where the mortgage would be
162 recorded; and

163 (B) Whether an individual can direct that the information
164 not be made available to the general public and, if so, the
165 customer to whom the information relates has not done so, such
166 as when a telephone number is listed in a telephone directory
167 and the customer has informed the licensee that the telephone
168 number is not unlisted.

169 (i) “Third-party service provider” means a person, other
170 than a licensee, which contracts with a licensee to maintain,
171 process, or store nonpublic personal information, or is
172 otherwise permitted access to nonpublic personal information
173 through its provision of services to a licensee.

174 (2) INFORMATION SECURITY PROGRAM.—

175 (a) Each licensee shall develop, implement, and maintain a
176 comprehensive written information security program that contains
177 administrative, technical, and physical safeguards for the
178 protection of the licensee’s information system and nonpublic
179 personal information.

180 (b) Each licensee shall ensure that the information
181 security program meets all of the following criteria:

182 1. Be commensurate with the following measures:

183 a. Size and complexity of the licensee.

184 b. Nature and scope of the licensee’s activities, including



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185 the licensee's use of third-party service providers.
186 c. Sensitivity of nonpublic personal information that is
187 used by the licensee or that is in the licensee's possession,
188 custody, or control.
189 2. Be designed to do all of the following:
190 a. Protect the security and confidentiality of nonpublic
191 personal information and the security of the licensee's
192 information system.
193 b. Protect against threats or hazards to the security or
194 integrity of nonpublic personal information and the licensee's
195 information system.
196 c. Protect against unauthorized access to or the use of
197 nonpublic personal information and minimize the likelihood of
198 harm to any customer.
199 3. Define and periodically reevaluate the retention
200 schedule and the mechanism for the destruction of nonpublic
201 personal information if retention is no longer necessary for the
202 licensee's business operations or is no longer required by
203 applicable law.
204 4. Regularly test and monitor systems and procedures for
205 the detection of actual and attempted attacks on, or intrusions
206 into, the licensee's information system.
207 5. Be monitored, evaluated, and adjusted, as necessary, to
208 meet all of the following requirements:
209 a. Determine whether the licensee's information security
210 program is consistent with relevant changes in technology.
211 b. Confirm the licensee's information security program
212 accounts for the sensitivity of nonpublic personal information.
213 c. Identify changes that may be necessary to the licensee's



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214 information system.
215 d. Mitigate any internal or external threats to nonpublic
216 personal information.
217 e. Amend the licensee's information security program for
218 any material changes to the licensee's business arrangements,
219 including, but not limited to, mergers and acquisitions,
220 alliances and joint ventures, and outsourcing arrangements.
221 (c)1. As part of a licensee's information security program,
222 the licensee shall establish a written incident response plan
223 designed to promptly respond to, and recover from, a
224 cybersecurity event that compromises:
225 a. The confidentiality, integrity, or availability of
226 nonpublic personal information in the licensee's possession;
227 b. The licensee's information system; or
228 c. The continuing functionality of any aspect of the
229 licensee's operations.
230 2. The written incident response plan must address all of
231 the following:
232 a. The licensee's internal process for responding to a
233 cybersecurity event.
234 b. The goals of the licensee's incident response plan.
235 c. The assignment of clear roles, responsibilities, and
236 levels of decisionmaking authority for the licensee's personnel
237 that participate in the incident response plan.
238 d. External communications, internal communications, and
239 information sharing related to a cybersecurity event.
240 e. The identification of remediation requirements for
241 weaknesses identified in information systems and associated
242 controls.



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243 f. The documentation and reporting regarding cybersecurity
244 events and related incident response activities.

245 g. The evaluation and revision of the incident response
246 plan, as appropriate, following a cybersecurity event.

247 h. The process by which notice must be given as required
248 under subsection (3) and s. 501.171(3) and (4).

249 (d)1. This section does not apply to a licensee that has
250 fewer than:

251 a. Twenty individuals on its workforce, including employees
252 and independent contractors; or

253 b. Five hundred customers during a calendar year.

254 2. A licensee that no longer qualifies for exemption under
255 subparagraph 1. has 180 calendar days to comply with this
256 section after the date of the disqualification.

257 (e) Each licensee shall maintain a copy of the information
258 security program for a minimum of 5 years and shall make it
259 available to the office upon request or as part of an
260 examination.

261 (3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee
262 shall provide notice to the office of any breach of security, as
263 defined in s. 501.171, affecting 500 or more individuals in this
264 state at a time and in the manner prescribed by commission rule.

265 (4) CONSTRUCTION.—This section may not be construed to
266 relieve a covered entity from complying with s. 501.171. To the
267 extent a licensee is a covered entity, as defined in s.
268 501.171(1), the licensee remains subject to s. 501.171.

269 (5) RULES.—The commission shall adopt rules to administer
270 this section, including rules that allow a licensee that is in
271 compliance with the Federal Trade Commission's Standards for



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272 Safeguarding Customer Information, 16 C.F.R. part 314, to be
273 deemed in substantial compliance with subsection (2).

274 Section 4. Paragraph (z) is added to subsection (1) of
275 section 494.00255, Florida Statutes, to read:

276 494.00255 Administrative penalties and fines; license
277 violations.—

278 (1) Each of the following acts constitutes a ground for
279 which the disciplinary actions specified in subsection (2) may
280 be taken against a person licensed or required to be licensed
281 under part II or part III of this chapter:

282 (z) Failure to comply with the notification requirements in
283 s. 501.171(3) and (4).

284 Section 5. Present subsections (28) through (36) of section
285 517.021, Florida Statutes, are redesignated as subsections (29)
286 through (37), respectively, a new subsection (28) is added to
287 that section, and subsection (20) of that section is amended, to
288 read:

289 517.021 Definitions.—When used in this chapter, unless the
290 context otherwise indicates, the following terms have the
291 following respective meanings:

292 (20) (a) "Investment adviser" means a person, other than an
293 associated person of an investment adviser or a federal covered
294 adviser, that receives compensation, directly or indirectly, and
295 engages for all or part of the person's time, directly or
296 indirectly, or through publications or writings, in the business
297 of advising others as to the value of securities or as to the
298 advisability of investments in, purchasing of, or selling of
299 securities.

300 (b) The term does not include any of the following:



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301 1. A dealer or an associated person of a dealer whose
302 performance of services in paragraph (a) is solely incidental to
303 the conduct of the dealer's or associated person's business as a
304 dealer and who does not receive special compensation for those
305 services.

306 2. A licensed practicing attorney or certified public
307 accountant whose performance of such services is solely
308 incidental to the practice of the attorney's or accountant's
309 profession.

310 3. A bank authorized to do business in this state.

311 4. A bank holding company as defined in the Bank Holding
312 Company Act of 1956, as amended, authorized to do business in
313 this state.

314 5. A trust company having trust powers, as defined in s.
315 658.12, which it is authorized to exercise in this state, which
316 trust company renders or performs investment advisory services
317 in a fiduciary capacity incidental to the exercise of its trust
318 powers.

319 6. A person that renders investment advice exclusively to
320 insurance or investment companies.

321 7. A person:

322 a. Without a place of business in this state if the person
323 has had ~~that~~, during the preceding 12 months, ~~has~~ fewer than six
324 clients who are residents of this state.

325 b. With a place of business in this state if the person has
326 had, during the preceding 12 months, fewer than six clients who
327 are residents of this state and no clients who are not residents
328 of this state.

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330 As used in this subparagraph, the term "client" has the same
331 meaning as provided in Securities and Exchange Commission Rule
332 222-2 ~~275.222-2~~, 17 C.F.R. s. 275.222-2, as amended.

333 8. A federal covered adviser.

334 9. The United States, a state, or any political subdivision
335 of a state, or any agency, authority, or instrumentality of any
336 such entity; a business entity that is wholly owned directly or
337 indirectly by such a governmental entity; or any officer, agent,
338 or employee of any such governmental or business entity who is
339 acting within the scope of his or her official duties.

340 10. A family office as defined in Securities and Exchange
341 Commission Rule 202(a)(11)(G)-1(b) under the Investment Advisers
342 Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b), as amended. In
343 determining whether a person meets the definition of a family
344 office under this subparagraph, the terms "affiliated family
345 office," "control," "executive officer," "family client,"
346 "family entity," "family member," "former family member," "key
347 employee," and "spousal equivalent" have the same meaning as in
348 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under
349 the Investment Advisers Act of 1940, 17 C.F.R. s.
350 275.202(a)(11)(G)-1(d), as amended.

351 (28) "Place of business" of an investment adviser means an
352 office at which the investment adviser regularly provides
353 investment advisory services to, solicits, meets with, or
354 otherwise communicates with clients; and any other location that
355 is held out to the general public as a location at which the
356 investment adviser provides investment advisory services to,
357 solicits, meets with, or otherwise communicates with clients.

358 Section 6. Paragraph (i) of subsection (9) of section



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359 517.061, Florida Statutes, is amended to read:

360 517.061 Exempt transactions.—Except as otherwise provided
361 in subsection (11), the exemptions provided herein from the
362 registration requirements of s. 517.07 are self-executing and do
363 not require any filing with the office before being claimed. Any
364 person who claims entitlement to an exemption under this section
365 bears the burden of proving such entitlement in any proceeding
366 brought under this chapter. The registration provisions of s.
367 517.07 do not apply to any of the following transactions;
368 however, such transactions are subject to s. 517.301:

369 (9) The offer or sale of securities to:

370 (i) A family office as defined in Securities and Exchange
371 Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the
372 Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-
373 1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

374 1. The family office has assets under management in excess
375 of \$5 million;

376 2. The family office is not formed for the specific purpose
377 of acquiring the securities offered; and

378 3. The prospective investment of the family office is
379 directed by a person who has knowledge and experience in
380 financial and business matters that the family office is capable
381 of evaluating the merits and risks of the prospective
382 investment.

383

384 In determining whether a person meets the definition of a family
385 office under this paragraph, the terms "affiliated family
386 office," "control," "executive officer," "family client,"
387 "family entity," "family member," "former family member," "key



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388 employee," and "spousal equivalent" have the same meaning as in
389 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under
390 the Investment Advisers Act of 1940, 17 C.F.R. s.
391 275.202(a)(11)(G)-1(d), as amended.

392 Section 7. Paragraph (a) of subsection (1) of section
393 517.201, Florida Statutes, is amended, and paragraph (c) is
394 added to that subsection, to read:

395 517.201 Investigations; examinations; subpoenas; hearings;
396 witnesses.—

397 (1) The office:

398 (a) May make investigations and examinations within or
399 outside of this state as it deems necessary:

400 1. To determine whether a person has violated or is about
401 to violate any provision of this chapter or a rule or order
402 hereunder; ~~or~~

403 2. To aid in the enforcement of this chapter; or

404 3. In accordance with a memorandum of understanding
405 pursuant to s. 415.106(4)(b), to aid the Department of Children
406 and Families with any protective investigations the Department
407 of Children and Families is required to conduct under s.
408 415.104.

409 (c) May consider or use as part of any investigation or
410 examination pursuant to this section the information contained
411 in any suspected financial exploitation report or any records
412 generated as a result of such report which is obtained pursuant
413 to s. 415.106(4).

414 Section 8. Paragraphs (b) and (c) of subsection (3) and
415 subsection (6) of section 517.34, Florida Statutes, are amended
416 to read:



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417 517.34 Protection of specified adults.-

418 (3) A dealer or investment adviser may delay a disbursement
419 or transaction of funds or securities from an account of a
420 specified adult or an account for which a specified adult is a
421 beneficiary or beneficial owner if all of the following apply:

422 (b) Not later than 3 business days after the date on which
423 the delay was first placed, the dealer or investment adviser
424 complies with all of the following conditions:

425 1. Notifies in writing all parties authorized to transact
426 business on the account and any trusted contact on the account,
427 using the contact information provided for the account, with the
428 exception of any party the dealer or investment adviser
429 reasonably believes has engaged in, is engaging in, has
430 attempted to engage in, or will attempt to engage in the
431 suspected financial exploitation of the specified adult. The
432 notice, which may be provided electronically, must provide the
433 reason for the delay.

434 2. Notifies the office of the delay electronically on a
435 form prescribed by commission rule. The form must be consistent
436 with the purposes of this section and must contain, but need not
437 be limited to, the following information:

438 a. The date on which the delay was first placed.

439 b. The name, age, and address, or location, if different,
440 of the specified adult.

441 c. The business location of the dealer or investment
442 adviser.

443 d. The name, address, and telephone number and title of the
444 employee who reported suspected financial exploitation of the
445 specified adult.



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446 e. The facts and circumstances that caused the employee to
447 report suspected financial exploitation.

448 f. The names, addresses, and telephone numbers of the
449 specified adult's family members.

450 g. The name, address, and telephone number of each person
451 suspected of engaging in financial exploitation.

452 h. The name, address, and telephone number of the caregiver
453 of the specified adult, if different from the person or persons
454 suspected of engaging in financial exploitation.

455 i. A description of actions taken by the dealer or
456 investment adviser, if any, such as notification to a criminal
457 justice agency.

458 j. Any other information available to the reporting person
459 which may establish the cause of financial exploitation that
460 occurred or is occurring.

461 ~~(c) Not later than 3 business days after the date on which~~
462 ~~the delay was first placed, the dealer or investment adviser~~
463 ~~Notifies the office of the delay electronically on a form~~
464 ~~prescribed by commission rule. The form must be consistent with~~
465 ~~the purposes of this section and may include only the following~~
466 ~~information:~~

467 ~~1. The date on which the notice is submitted to the office.~~

468 ~~2. The date on which the delay was first placed.~~

469 ~~3. The following information about the specified adult:~~

470 ~~a. Gender.~~

471 ~~b. Age.~~

472 ~~c. Zip code of residence address.~~

473 ~~4. The following information about the dealer or investment~~
474 ~~adviser who placed the delay:~~



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475 ~~a. Name.~~
476 ~~b. Title.~~
477 ~~c. Firm name.~~
478 ~~d. Business address.~~
479 ~~5. A section with the following questions for which the~~
480 ~~only allowable responses are "Yes" or "No":~~
481 ~~a. Is financial exploitation of a specified adult suspected~~
482 ~~in connection with a disbursement or transaction?~~
483 ~~b. Are funds currently at risk of being lost?~~
484
485 ~~The form must contain substantially the following statement in~~
486 ~~conspicuous type: "The office may take disciplinary action~~
487 ~~against any person making a knowing and willful~~
488 ~~misrepresentation on this form."~~
489 (6) A dealer, an investment adviser, or an associated
490 person who in good faith and exercising reasonable care complies
491 with this section is immune from any administrative or civil
492 liability that might otherwise arise from such delay in a
493 disbursement or transaction in accordance with this section.
494 This subsection does not supersede or diminish any immunity
495 granted under chapter 415, nor does it substitute for the duty
496 to report to the central abuse hotline as required under s.
497 415.1034.
498 Section 9. Section 520.135, Florida Statutes, is created to
499 read:
500 520.135 Surrendered or repossessed vehicles.—The rights and
501 obligations of parties with respect to a surrendered or
502 repossessed motor vehicle are exclusively governed by part VI of
503 chapter 679.



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504 Section 10. Subsections (1) and (2) of section 560.114,
505 Florida Statutes, are amended to read:

506 560.114 Disciplinary actions; penalties.—

507 (1) The following actions by a money services business, an
508 authorized vendor, or a ~~affiliated~~ party that was affiliated at
509 the time of commission of the actions constitute grounds for the
510 issuance of a cease and desist order; the issuance of a removal
511 order; the denial, suspension, or revocation of a license; or
512 taking any other action within the authority of the office
513 pursuant to this chapter:

514 (a) Failure to comply with any provision of this chapter or
515 related rule or order, or any written agreement entered into
516 with the office.

517 (b) Fraud, misrepresentation, deceit, or gross negligence
518 in any transaction by a money services business, regardless of
519 reliance thereon by, or damage to, a customer.

520 (c) Fraudulent misrepresentation, circumvention, or
521 concealment of any matter that must be stated or furnished to a
522 customer pursuant to this chapter, regardless of reliance
523 thereon by, or damage to, such customer.

524 (d) False, deceptive, or misleading advertising.

525 (e) Failure to maintain, preserve, keep available for
526 examination, and produce all books, accounts, files, or other
527 documents required by this chapter or related rules or orders,
528 by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340,
529 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410,
530 or by an agreement entered into with the office.

531 (f) Refusing to allow the examination or inspection of
532 books, accounts, files, or other documents by the office



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533 pursuant to this chapter, or to comply with a subpoena issued by
534 the office.

535 (g) Failure to pay a judgment recovered in any court by a
536 claimant in an action arising out of a money transmission
537 transaction within 30 days after the judgment becomes final.

538 (h) Engaging in an act prohibited under s. 560.111 or s.
539 560.1115.

540 (i) Insolvency.

541 (j) Failure by a money services business to remove an
542 affiliated party after the office has issued and served upon the
543 money services business a final order setting forth a finding
544 that the affiliated party has violated a provision of this
545 chapter.

546 (k) Making a material misstatement, misrepresentation, or
547 omission in an application for licensure, any amendment to such
548 application, or application for the appointment of an authorized
549 vendor.

550 (l) Committing any act that results in a license or its
551 equivalent, to practice any profession or occupation being
552 denied, suspended, revoked, or otherwise acted against by a
553 licensing authority in any jurisdiction.

554 (m) Being the subject of final agency action or its
555 equivalent, issued by an appropriate regulator, for engaging in
556 unlicensed activity as a money services business or deferred
557 presentment provider in any jurisdiction.

558 (n) Committing any act resulting in a license or its
559 equivalent to practice any profession or occupation being
560 denied, suspended, revoked, or otherwise acted against by a
561 licensing authority in any jurisdiction for a violation of 18



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562 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C.
563 s. 5324, or any other law or rule of another state or of the
564 United States relating to a money services business, deferred
565 presentment provider, or usury that may cause the denial,
566 suspension, or revocation of a money services business or
567 deferred presentment provider license or its equivalent in such
568 jurisdiction.

569 (o) Having been convicted of, or entered a plea of guilty
570 or nolo contendere to, any felony or crime punishable by
571 imprisonment of 1 year or more under the law of any state or the
572 United States which involves fraud, moral turpitude, or
573 dishonest dealing, regardless of adjudication.

574 (p) Having been convicted of, or entered a plea of guilty
575 or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31
576 U.S.C. s. 5318, s. 5322, or s. 5324, regardless of adjudication.

577 (q) Having been convicted of, or entered a plea of guilty
578 or nolo contendere to, misappropriation, conversion, or unlawful
579 withholding of moneys belonging to others, regardless of
580 adjudication.

581 (r) Having been convicted of, or entered a plea of guilty
582 or nolo contendere to, a violation of 31 C.F.R. chapter X, part
583 1022, regardless of adjudication.

584 (s)~~(r)~~ Failure to inform the office in writing within 30
585 days after having pled guilty or nolo contendere to, or being
586 convicted of, any felony or crime punishable by imprisonment of
587 1 year or more under the law of any state or the United States,
588 or any crime involving fraud, moral turpitude, or dishonest
589 dealing.

590 (t)~~(s)~~ Aiding, assisting, procuring, advising, or abetting



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591 any person in violating a provision of this chapter or any order
592 or rule of the office or commission.

593 (u)~~(t)~~ Failure to pay any fee, charge, or cost imposed or
594 assessed under this chapter.

595 (v)~~(u)~~ Failing to pay a fine assessed by the office within
596 30 days after the due date as stated in a final order.

597 (w)~~(v)~~ Failure to pay any judgment entered by any court
598 within 30 days after the judgment becomes final.

599 (x)~~(w)~~ Engaging or advertising engagement in the business
600 of a money services business or deferred presentment provider
601 without a license, unless exempted from licensure.

602 (y)~~(x)~~ Payment to the office for a license or other fee,
603 charge, cost, or fine with a check or electronic transmission of
604 funds that is dishonored by the applicant's or licensee's
605 financial institution.

606 (z)~~(y)~~ Violations of 31 C.F.R. ss. 1010.306, 1010.311,
607 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320,
608 1022.380, and 1022.410, and United States Treasury Interpretive
609 Release 2004-1.

610 (aa)~~(z)~~ Any practice or conduct that creates the likelihood
611 of a material loss, insolvency, or dissipation of assets of a
612 money services business or otherwise materially prejudices the
613 interests of its customers.

614 (bb)~~(aa)~~ Failure of a check casher to maintain a federally
615 insured depository account as required by s. 560.309.

616 (cc)~~(bb)~~ Failure of a check casher to deposit into its own
617 federally insured depository account any payment instrument
618 cashed as required by s. 560.309.

619 (dd)~~(cc)~~ Violating any provision of the Military Lending



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620 Act, 10 U.S.C. s. 987, or the regulations adopted under that act
621 in 32 C.F.R. part 232, in connection with a deferred presentment
622 transaction conducted under part IV of this chapter.

623 (ee) Failure to comply with the notification requirements
624 in s. 501.171(3) and (4).

625 (2) ~~Pursuant to s. 120.60(6),~~ The office shall issue an
626 emergency suspension order suspending ~~may summarily suspend~~ the
627 license of a money services business if the office finds that a
628 licensee poses a danger deemed by the Legislature to be an
629 immediate and ~~serious danger~~ to the public health, safety, and
630 welfare. ~~A proceeding in which the office seeks the issuance of~~
631 ~~a final order for the summary suspension of a licensee shall be~~
632 ~~conducted by the commissioner of the office, or his or her~~
633 ~~designee, who shall issue such order.~~

634 (a) An emergency suspension order under this subsection may
635 be issued without prior notice and an opportunity to be heard.
636 An emergency suspension order must:

637 1. State the grounds on which the order is based;
638 2. Advise the licensee against whom the order is directed
639 that the order takes effect immediately and, to the extent
640 applicable, requires the licensee to immediately cease and
641 desist from the conduct or violation that is the subject of the
642 order or to take the affirmative action stated in the order as
643 necessary to correct a condition resulting from the conduct or
644 violation or as otherwise appropriate;

645 3. Be delivered by personal delivery or sent by certified
646 mail, return receipt requested, to the licensee against whom the
647 order is directed at the licensee's last known address; and

648 4. Include a notice that the licensee subject to the



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649 emergency suspension order may seek judicial review pursuant to
650 s. 120.68.

651 (b) An emergency suspension order is effective as soon as
652 the licensee against whom the order is directed has actual or
653 constructive knowledge of the issuance of the order.

654 (c) The office shall institute timely proceedings under ss.
655 120.569 and 120.57 after issuance of an emergency suspension
656 order.

657 (d) A licensee subject to an emergency suspension order may
658 seek judicial review pursuant to s. 120.68.

659 (e) The following acts are deemed by the Legislature to
660 constitute an immediate and serious danger to the public health,
661 safety, and welfare, and the office shall ~~may~~ immediately issue
662 an emergency suspension order to suspend the license of a money
663 services business if:

664 1.~~(a)~~ The money services business fails to provide to the
665 office, upon written request, any of the records required by s.
666 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule
667 adopted under those sections. The suspension may be rescinded if
668 the licensee submits the requested records to the office.

669 2.~~(b)~~ The money services business fails to maintain a
670 federally insured depository account as required by s.
671 560.208(4) or s. 560.309.

672 3.~~(e)~~ A natural person required to be listed on the license
673 application for a money services business pursuant to s.
674 560.141(1)(a)3. is criminally charged with, or arrested for, a
675 crime described in paragraph (1)(o), paragraph (1)(p), or
676 paragraph(1)(q).

677 Section 11. Section 560.1311, Florida Statutes, is created



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678 to read:

679 560.1311 Information security programs.—

680 (1) DEFINITIONS.—As used in this section, the term:

681 (a) "Customer" means a person who seeks to obtain or who
682 obtains or has obtained a financial product or service from a
683 licensee.

684 (b) "Customer information" means any record containing
685 nonpublic personal information about a customer of a financial
686 transaction, whether on paper, electronic, or in other forms,
687 which is handled or maintained by or on behalf of the licensee
688 or its affiliates.

689 (c) "Cybersecurity event" means an event resulting in
690 unauthorized access to, or disruption or misuse of, an
691 information system or customer information stored on such
692 information system. The term does not include the unauthorized
693 acquisition of encrypted customer information if the encryption
694 process or key is not also acquired, released, or used without
695 authorization. The term does not include an event with regard to
696 which the licensee has determined that the customer information
697 accessed by an unauthorized person has not been used or released
698 and has been returned or destroyed.

699 (d) "Encrypted" means the transformation of data into a
700 form that results in a low probability of assigning meaning
701 without the use of a protective process or key.

702 (e) "Financial product or service" means any product or
703 service offered by a licensee under this chapter.

704 (f) "Information security program" means the
705 administrative, technical, or physical safeguards used to
706 access, collect, distribute, process, protect, store, use,



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707 transmit, dispose of, or otherwise handle customer information.

708 (g) "Information system" means a discrete set of electronic
709 information resources organized for the collection, processing,
710 maintenance, use, sharing, dissemination, or disposition of
711 electronic information, as well as any specialized system such
712 as an industrial process control system, telephone switching and
713 private branch exchange system, or environmental control system,
714 which contain customer information or which are connected to a
715 system that contains customer information.

716 (h) "Licensee" means a person licensed under this chapter.

717 (i)1. "Nonpublic personal information" means:

718 a. Personally identifiable financial information; and

719 b. Any list, description, or other grouping of customers

720 which is derived using any personally identifiable financial

721 information that is not publicly available, such as account

722 numbers, including any list of individuals' names and street

723 addresses which is derived, in whole or in part, using

724 personally identifiable financial information that is not

725 publicly available.

726 2. The term does not include:

727 a. Publicly available information, except as included on a

728 list, description, or other grouping of customers described in

729 sub-subparagraph 1.b.;

730 b. Any list, description, or other grouping of consumers,

731 or any publicly available information pertaining to such list,

732 description, or other grouping of consumers, which is derived

733 without using any personally identifiable financial information

734 that is not publicly available; or

735 c. Any list of individuals' names and addresses which



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736 contains only publicly available information, is not derived, in
737 whole or in part, using personally identifiable financial
738 information that is not publicly available, and is not disclosed
739 in a manner that indicates that any of the individuals on the
740 list is a customer of a licensee.

741 3. As used in this paragraph, the term:

742 a.(I) "Personally identifiable financial information" means
743 any information that:

744 (A) A customer provides to a licensee to obtain a financial
745 product or service, such as information that a customer provides
746 to a licensee on an application to obtain a loan or other
747 financial product or service;

748 (B) A licensee receives about a consumer which is obtained
749 during or as a result of any transaction involving a financial
750 product or service between the licensee and the customer, such
751 as information collected through an information-collecting
752 device from a web server; or

753 (C) A licensee otherwise obtains about a customer in
754 connection with providing a financial product or service to the
755 customer, such as the fact that an individual is or has been one
756 of the licensee's customers or has obtained a financial product
757 or service from the licensee.

758 (II) The term "personally identifiable financial
759 information" does not include:

760 (A) A list of names and addresses of customers of an entity
761 that is not a financial institution; or

762 (B) Information that does not identify a customer, such as
763 blind data or aggregate information that does not contain
764 personal identifiers such as account numbers, names, or



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765 addresses.

766 b.(I) "Publicly available information" means any
767 information that a licensee has a reasonable basis to believe is
768 lawfully made available to the general public from:

769 (A) Federal, state, or local government records, such as
770 government real estate records or security interest filings;

771 (B) Widely distributed media, such as information from a
772 telephone records repository or directory, a television or radio
773 program, a newspaper, a social media platform, or a website that
774 is available to the general public on an unrestricted basis. A
775 website is not restricted merely because an Internet service
776 provider or a site operator requires a fee or a password, so
777 long as access is available to the general public; or

778 (C) Disclosures to the general public which are required to
779 be made by federal, state, or local law.

780 (II) As used in this sub-subparagraph, the term "reasonable
781 basis to believe is lawfully made available to the general
782 public" relating to any information means that the person has
783 taken steps to determine:

784 (A) That the information is of the type that is available
785 to the general public, such as information included on the
786 public record in the jurisdiction where the mortgage would be
787 recorded; and

788 (B) Whether an individual can direct that the information
789 not be made available to the general public and, if so, the
790 customer to whom the information relates has not done so, such
791 as when a telephone number is listed in a telephone directory
792 and the customer has informed the licensee that the telephone
793 number is not unlisted.



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794 (j) "Third-party service provider" means a person, other
795 than a licensee, which contracts with a licensee to maintain,
796 process, or store nonpublic personal information, or is
797 otherwise permitted access to nonpublic personal information
798 through its provision of services to a licensee.

799 (2) INFORMATION SECURITY PROGRAM.—

800 (a) Each licensee shall develop, implement, and maintain a
801 comprehensive written information security program that contains
802 administrative, technical, and physical safeguards for the
803 protection of the licensee's information system and nonpublic
804 personal information.

805 (b) Each licensee shall ensure that the information
806 security program meets all of the following criteria:

807 1. Be commensurate with the following measures:

808 a. Size and complexity of the licensee.

809 b. Nature and scope of the licensee's activities, including
810 the licensee's use of third-party service providers.

811 c. Sensitivity of nonpublic personal information that is
812 used by the licensee or that is in the licensee's possession,
813 custody, or control.

814 2. Be designed to do all of the following:

815 a. Protect the security and confidentiality of nonpublic
816 personal information and the security of the licensee's
817 information system.

818 b. Protect against threats or hazards to the security or
819 integrity of nonpublic personal information and the licensee's
820 information system.

821 c. Protect against unauthorized access to or the use of
822 nonpublic personal information and minimize the likelihood of



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823 harm to any customer.

824 3. Define and periodically reevaluate the retention
825 schedule and the mechanism for the destruction of nonpublic
826 personal information if retention is no longer necessary for the
827 licensee's business operations or is no longer required by
828 applicable law.

829 4. Regularly test and monitor systems and procedures for
830 the detection of actual and attempted attacks on, or intrusions
831 into, the licensee's information system.

832 5. Be monitored, evaluated, and adjusted, as necessary, to
833 meet all of the following requirements:

834 a. Determine whether the licensee's information security
835 program is consistent with relevant changes in technology.

836 b. Confirm the licensee's information security program
837 accounts for the sensitivity of nonpublic personal information.

838 c. Identify changes that may be necessary to the licensee's
839 information system.

840 d. Mitigate any internal or external threats to nonpublic
841 personal information.

842 e. Amend the licensee's information security program for
843 any material changes to the licensee's business arrangements,
844 including, but not limited to, mergers and acquisitions,
845 alliances and joint ventures, and outsourcing arrangements.

846 (c)1. As part of a licensee's information security program,
847 the licensee shall establish a written incident response plan
848 designed to promptly respond to, and recover from, a
849 cybersecurity event that compromises:

850 a. The confidentiality, integrity, or availability of
851 nonpublic personal information in the licensee's possession;



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852 b. The licensee's information system; or
853 c. The continuing functionality of any aspect of the
854 licensee's operations.
855 2. The written incident response plan must address all of
856 the following:
857 a. The licensee's internal process for responding to a
858 cybersecurity event.
859 b. The goals of the licensee's incident response plan.
860 c. The assignment of clear roles, responsibilities, and
861 levels of decisionmaking authority for the licensee's personnel
862 that participate in the incident response plan.
863 d. External communications, internal communications, and
864 information sharing related to a cybersecurity event.
865 e. The identification of remediation requirements for
866 weaknesses identified in information systems and associated
867 controls.
868 f. The documentation and reporting regarding cybersecurity
869 events and related incident response activities.
870 g. The evaluation and revision of the incident response
871 plan, as appropriate, following a cybersecurity event.
872 h. The process by which notice must be given as required
873 under subsection (3) and s. 501.171(3) and (4).
874 (d)1. This section does not apply to a licensee that has
875 fewer than:
876 a. Twenty individuals on its workforce, including employees
877 and independent contractors; or
878 b. Five hundred customers during a calendar year.
879 2. A licensee that no longer qualifies for exemption under
880 subparagraph 1. has 180 calendar days to comply with this



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881 section after the date of the disqualification.

882 (e) Each licensee shall maintain a copy of the information
883 security program for a minimum of 5 years and shall make it
884 available to the office upon request or as part of an
885 examination.

886 (3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee
887 shall provide notice to the office of any breach of security, as
888 defined in s. 501.171(1), affecting 500 or more individuals in
889 this state at a time and in the manner prescribed by commission
890 rule.

891 (4) CONSTRUCTION.—This section may not be construed to
892 relieve a covered entity from complying with s. 501.171. To the
893 extent a licensee is a covered entity, as defined in s.
894 501.171(1), the licensee remains subject to s. 501.171.

895 (5) RULES.—The commission shall adopt rules to administer
896 this section, including rules that allow a licensee that is in
897 compliance with the Federal Trade Commission's Standards for
898 Safeguarding Customer Information, 16 C.F.R. part 314, to be
899 deemed in compliance with subsection (2).

900 Section 12. Subsection (10) of section 560.309, Florida
901 Statutes, is amended to read:

902 560.309 Conduct of business.—

903 (10) If a check is returned to a licensee from a payor
904 financial institution due to lack of funds, a closed account, or
905 a stop-payment order, the licensee may seek collection pursuant
906 to s. 68.065. In seeking collection, the licensee must comply
907 with the prohibitions against harassment or abuse, false or
908 misleading representations, and unfair practices in the Florida
909 Consumer Collection Practices Act under part VI of chapter 559,



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910 including s. 559.77. The licensee must also comply with the Fair
911 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
912 1692f if the licensee uses a third-party debt collector or any
913 name other than its own to collect such debts. A violation of
914 this subsection is a deceptive and unfair trade practice and
915 constitutes a violation of the Deceptive and Unfair Trade
916 Practices Act under part II of chapter 501. ~~In addition, a~~
917 ~~licensee must comply with the applicable provisions of the~~
918 ~~Consumer Collection Practices Act under part VI of chapter 559,~~
919 ~~including s. 559.77.~~

920 Section 13. Subsection (3) of section 560.405, Florida
921 Statutes, is amended to read:

922 560.405 Deposit; redemption.—

923 (3) Notwithstanding subsection (1), in lieu of presentment,
924 a deferred presentment provider may allow the check to be
925 redeemed at any time upon payment of the outstanding transaction
926 balance and earned fees. Redemption in cash must be treated in
927 the same manner as redemption through a debit card transaction.
928 However, payment may not be made in the form of a personal check
929 or through a credit card transaction. Upon redemption, the
930 deferred presentment provider must return the drawer's check and
931 provide a signed, dated receipt showing that the drawer's check
932 has been redeemed.

933 Section 14. Subsection (2) of section 560.406, Florida
934 Statutes, is amended to read:

935 560.406 Worthless checks.—

936 (2) If a check is returned to a deferred presentment
937 provider from a payor financial institution due to insufficient
938 funds, a closed account, or a stop-payment order, the deferred



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939 presentment provider may pursue all legally available civil
940 remedies to collect the check, including, but not limited to,
941 the imposition of all charges imposed on the deferred
942 presentment provider by the financial institution. In its
943 collection practices, a deferred presentment provider must
944 comply with the prohibitions against harassment or abuse, false
945 or misleading representations, and unfair practices that are
946 contained in the Florida Consumer Collection Practices Act under
947 part VI of chapter 559, including s. 559.77. A deferred
948 presentment provider must also comply with the Fair Debt
949 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f
950 if the deferred presentment provider uses a third-party debt
951 collector or any name other than its own to collect such debts.
952 A violation of this act is a deceptive and unfair trade practice
953 and constitutes a violation of the Deceptive and Unfair Trade
954 Practices Act under part II of chapter 501. ~~In addition, a~~
955 ~~deferred presentment provider must comply with the applicable~~
956 ~~provisions of the Consumer Collection Practices Act under part~~
957 ~~VI of chapter 559, including s. 559.77.~~

958 Section 15. Section 655.0171, Florida Statutes, is created
959 to read:

960 655.0171 Requirements for customer data security and for
961 notices of security breaches.-

962 (1) DEFINITIONS.-As used in this section, the term:

963 (a) "Breach of security" or "breach" means unauthorized
964 access of data in electronic form containing personal
965 information. Good faith access of personal information by an
966 employee or agent of a financial institution does not constitute
967 a breach of security, provided that the information is not used



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968 for a purpose unrelated to the business or subject to further
969 unauthorized use. As used in this paragraph, the term "data in
970 electronic form" means any data stored electronically or
971 digitally on any computer system or other database and includes
972 recordable tapes and other mass storage devices.

973 (b) "Department" means the Department of Legal Affairs.

974 (c)1. "Personal information" means:

975 a. An individual's first name, or first initial, and last
976 name, in combination with any of the following data elements for
977 that individual:

978 (I) A social security number;

979 (II) A driver license or identification card number,
980 passport number, military identification number, or other
981 similar number issued on a government document used to verify
982 identity;

983 (III) A financial account number or credit or debit card
984 number, in combination with any required security code, access
985 code, or password that is necessary to permit access to the
986 individual's financial account;

987 (IV) The individual's biometric data as defined in s.
988 501.702; or

989 (V) Any information regarding the individual's geolocation;
990 or

991 b. A username or e-mail address, in combination with a
992 password or security question and answer that would permit
993 access to an online account.

994 2. The term does not include information about an
995 individual which has been made publicly available by a federal,
996 state, or local governmental entity. The term also does not



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997 include information that is encrypted, secured, or modified by
998 any other method or technology that removes elements that
999 personally identify an individual or that otherwise renders the
1000 information unusable.

1001 (2) REQUIREMENTS FOR DATA SECURITY.—Each financial
1002 institution shall take reasonable measures to protect and secure
1003 data that are in electronic form and that contain personal
1004 information.

1005 (3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—

1006 (a)1. Each financial institution shall provide notice to
1007 the office of any breach of security affecting 500 or more
1008 individuals in this state. Such notice must be provided to the
1009 office as expeditiously as practicable, but no later than 30
1010 days after the determination of the breach or the determination
1011 of a reason to believe that a breach has occurred.

1012 2. The written notice to the office must include the items
1013 required under s. 501.171(3)(b).

1014 3. A financial institution must provide the following
1015 information to the office upon its request:

1016 a. A police report, incident report, or computer forensics
1017 report.

1018 b. A copy of the policies in place regarding breaches.

1019 c. Steps that have been taken to rectify the breach.

1020 4. A financial institution may provide the office with
1021 supplemental information regarding a breach at any time.

1022 (b) Each financial institution shall provide notice to the
1023 department of any breach of security affecting 500 or more
1024 individuals in this state. Such notice must be provided to the
1025 department in accordance with s. 501.171.



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1026 (4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each
1027 financial institution shall give notice to each individual in
1028 this state whose personal information was, or the financial
1029 institution reasonably believes to have been, accessed as a
1030 result of the breach in accordance with s. 501.171(4). The
1031 notice must be provided no later than 30 days after the
1032 determination of the breach or the determination of a reason to
1033 believe that a breach has occurred. A financial institution may
1034 receive 15 additional days to provide notice to individuals of a
1035 security breach as required in this subsection if good cause for
1036 delay is provided in writing to the office within 30 days after
1037 determination of the breach or determination of the reason to
1038 believe that a breach has occurred.

1039 (5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial
1040 institution discovers circumstances requiring notice pursuant to
1041 this section of more than 1,000 individuals at a single time,
1042 the financial institution shall also notify, without
1043 unreasonable delay, all consumer reporting agencies that compile
1044 and maintain files on consumers on a nationwide basis, as
1045 defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p),
1046 of the timing, distribution, and content of the notices.

1047 Section 16. Present subsections (3), (4), and (5) of
1048 section 655.032, Florida Statutes, are redesignated as
1049 subsections (4), (5), and (6), respectively, and a new
1050 subsection (3) is added to that section, to read:

1051 655.032 Investigations, subpoenas, hearings, and
1052 witnesses.—

1053 (3) The office may consider or use as part of any
1054 investigation pursuant to this section the information contained



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1055 in any suspected financial exploitation report or any records
1056 generated as a result of such report which is obtained pursuant
1057 to s. 415.106(4).

1058 Section 17. Present paragraphs (c) through (f) of
1059 subsection (1) of section 655.045, Florida Statutes, are
1060 redesignated as paragraphs (d) through (g), respectively, a new
1061 paragraph (c) is added to that subsection, and present paragraph
1062 (d) of that subsection is amended, to read:

1063 655.045 Examinations, reports, and internal audits;
1064 penalty.—

1065 (1) The office shall conduct an examination of the
1066 condition of each state financial institution at least every 18
1067 months. The office may conduct more frequent examinations based
1068 upon the risk profile of the financial institution, prior
1069 examination results, or significant changes in the institution
1070 or its operations. The office may use continuous, phase, or
1071 other flexible scheduling examination methods for very large or
1072 complex state financial institutions and financial institutions
1073 owned or controlled by a multi-financial institution holding
1074 company. The office shall consider examination guidelines from
1075 federal regulatory agencies in order to facilitate, coordinate,
1076 and standardize examination processes.

1077 (c) The office may consider or use as part of any
1078 examination conducted pursuant to this section the information
1079 contained in any suspected financial exploitation report or any
1080 records generated as a result of such report which is obtained
1081 pursuant to s. 415.106(4).

1082 (e)-(d) As used in this section, the term "costs" means the
1083



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1084 ===== T I T L E A M E N D M E N T =====

1085 And the title is amended as follows:

1086 Delete lines 3 - 72

1087 and insert:

1088 amending s. 415.106, F.S.; requiring the Department of
1089 Children and Families to cooperate with and seek
1090 cooperation from the Office of Financial Regulation
1091 concerning certain protective investigations of
1092 suspected financial exploitation of specified adults;
1093 requiring the department to provide copies of certain
1094 suspected financial exploitation reports to the office
1095 within a certain timeframe; authorizing the department
1096 to provide copies of certain records at the request of
1097 the office within a specified timeframe; authorizing
1098 the office to use such reports or records as required
1099 or authorized in certain provisions; specifying that
1100 certain confidentiality provisions that apply to the
1101 department apply to the records of the office and its
1102 employees and agents; authorizing the department and
1103 the office to enter into a specified memorandum of
1104 agreement; amending s. 415.107, F.S.; revising the
1105 persons, officials, and agencies granted access to
1106 certain records relating to vulnerable adults;
1107 creating s. 494.00123, F.S.; defining terms; requiring
1108 loan originators, mortgage brokers, and mortgage
1109 lenders to develop, implement, and maintain
1110 comprehensive written information security programs
1111 for the protection of information systems and
1112 nonpublic personal information; providing requirements



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1113 for such programs; requiring loan originators,
1114 mortgage brokers, and mortgage lenders to establish
1115 written incident response plans for specified
1116 purposes; providing requirements for such plans;
1117 providing applicability; providing compliance
1118 requirements under specified circumstances; requiring
1119 loan originators, mortgage brokers, and mortgage
1120 lenders to maintain copies of information security
1121 programs for a specified timeframe and to make them
1122 available to the office under certain circumstances;
1123 specifying requirements for notices of security
1124 breaches; providing construction; requiring the
1125 Financial Services Commission to adopt rules; amending
1126 s. 494.00255, F.S.; providing additional acts that
1127 constitute a ground for specified disciplinary actions
1128 against loan originators and mortgage brokers;
1129 amending s. 517.021, F.S.; revising the definition of
1130 the term "investment adviser"; defining terms;
1131 amending s. 517.061, F.S.; defining terms; amending s.
1132 517.201, F.S.; authorizing the office to make
1133 investigations and examinations to aid the Department
1134 of Children and Families with certain protective
1135 investigations; authorizing the office to consider or
1136 use certain information as part of certain
1137 investigations and examinations; amending s. 517.34,
1138 F.S.; revising the information required to be
1139 contained in the form by which a dealer or investment
1140 advisor notifies the office of certain delayed
1141 disbursements or transactions of funds or securities;



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1142 providing construction; creating s. 520.135, F.S.;

1143 specifying that the rights and obligations of parties

1144 with respect to a surrendered or repossessed motor

1145 vehicle are exclusively governed by certain

1146 provisions; amending s. 560.114, F.S.; specifying the

1147 entities that are subject to certain disciplinary

1148 actions and penalties; revising the list of actions by

1149 money services businesses which constitute grounds for

1150 certain disciplinary actions and penalties; specifying

1151 requirements for emergency suspension orders that

1152 suspend money services business licenses; providing

1153 that an emergency suspension order is effective when

1154 the licensee against whom the order is directed has

1155 actual or constructive knowledge of the order;

1156 requiring the office to institute timely proceedings

1157 after issuance of an emergency suspension order;

1158 authorizing a licensee subject to an emergency

1159 suspension order to seek judicial review; requiring,

1160 rather than authorizing, the office to suspend

1161 licenses of money services businesses under certain

1162 circumstances; creating s. 560.1311, F.S.; defining

1163 terms; requiring money services businesses to develop,

1164 implement, and maintain comprehensive written

1165 information security programs for the protection of

1166 information systems and nonpublic personal

1167 information; specifying requirements for such

1168 programs; requiring money services businesses to

1169 establish written incident response plans for

1170 specified purposes; specifying requirements for such



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1171 plans; providing applicability; specifying compliance
1172 requirements under specified circumstances; requiring
1173 money services businesses to maintain copies of
1174 information security programs for a specified
1175 timeframe and to make them available to the office
1176 under certain circumstances; specifying requirements
1177 for notices of security breaches; providing
1178 construction; requiring the commission to adopt rules;
1179 amending s. 560.309, F.S.; providing that licensees
1180 must comply with the Fair Debt Collections Practices
1181 Act only if the licensees meet certain criteria;
1182 amending s. 560.405, F.S.; specifying that redemption
1183 in cash must be treated in the same manner as
1184 redemption through debt card transactions; prohibiting
1185 redemption through a credit card transaction; amending
1186 s. 560.406, F.S.; providing that licensees must comply
1187 with the Fair Debt Collections Practices Act only if
1188 the licensees meet certain criteria; creating s.
1189 655.0171, F.S.; defining terms; requiring financial
1190 institutions to take measures to protect and secure
1191 certain data that contain personal information;
1192 providing requirements for notices of security
1193 breaches to the office, the Department of Legal
1194 Affairs, certain individuals, and certain credit
1195 reporting agencies; amending s. 655.032, F.S.;
1196 authorizing the office to consider or use certain
1197 information as part of certain investigations;
1198 amending s. 655.045, F.S.; authorizing the office to
1199 consider or use certain information as part of certain



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1200

investigations; revising the timeline for

By the Committee on Banking and Insurance; and Senator Martin

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1 A bill to be entitled
 2 An act relating to the Office of Financial Regulation;
 3 creating s. 494.00123, F.S.; defining terms; requiring
 4 loan originators, mortgage brokers, and mortgage
 5 lenders to develop, implement, and maintain
 6 comprehensive written information security programs
 7 for the protection of information systems and
 8 nonpublic personal information; providing requirements
 9 for such programs; requiring loan originators,
 10 mortgage brokers, and mortgage lenders to establish
 11 written incident response plans for specified
 12 purposes; providing requirements for such plans;
 13 providing applicability; providing compliance
 14 requirements under specified circumstances; requiring
 15 loan originators, mortgage brokers, and mortgage
 16 lenders to maintain copies of information security
 17 programs for a specified timeframe and to make them
 18 available to the Office of Financial Regulation under
 19 certain circumstances; requiring loan originators,
 20 mortgage brokers, and mortgage lenders and certain
 21 entities to conduct investigations of cybersecurity
 22 events under certain circumstances; providing
 23 requirements for such investigations; providing
 24 requirements for records and documentation
 25 maintenance; providing requirements for notices of
 26 security breaches; providing construction; providing
 27 rulemaking authority; amending s. 494.00255, F.S.;
 28 providing additional acts that constitute a ground for
 29 specified disciplinary actions against loan

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30 originators and mortgage brokers; amending s. 517.021,
 31 F.S.; revising the definition of the term "investment
 32 adviser" and defining terms; amending s. 517.061,
 33 F.S.; defining terms; creating s. 520.135, F.S.;
 34 specifying that the rights and obligation of parties
 35 with respect to a surrendered or repossessed motor
 36 vehicle are exclusively governed by certain
 37 provisions; amending s. 560.114, F.S.; specifying the
 38 entities that are subject to certain disciplinary
 39 actions and penalties; revising the list of actions by
 40 money services businesses which constitute grounds for
 41 certain disciplinary actions and penalties; requiring,
 42 rather than authorizing, the office to suspend
 43 licenses of money services businesses under certain
 44 circumstances; creating s. 560.1311, F.S.; defining
 45 terms; requiring money services businesses to develop,
 46 implement, and maintain comprehensive written
 47 information security programs for the protection of
 48 information systems and nonpublic personal
 49 information; providing requirements for such programs;
 50 requiring money services businesses to establish
 51 written incident response plans for specified
 52 purposes; providing requirements for such plans;
 53 providing applicability; providing compliance
 54 requirements under specified circumstances; requiring
 55 money services businesses to maintain copies of
 56 information security programs for a specified
 57 timeframe and to make them available to the office
 58 under certain circumstances; requiring money services

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59 businesses and certain entities to conduct
 60 investigations of cybersecurity events under certain
 61 circumstances; providing requirements for such
 62 investigations; providing requirements for records and
 63 documentation maintenance; providing requirements for
 64 notices of security breaches; providing construction;
 65 providing rulemaking authority; creating s. 655.0171,
 66 F.S.; defining terms; requiring financial institutions
 67 to take measures to protect and secure certain data
 68 that contain personal information; providing
 69 requirements for notices of security breaches to the
 70 office, the Department of Legal Affairs, certain
 71 individuals, and certain credit reporting agencies;
 72 amending s. 655.045, F.S.; revising the timeline for
 73 the mailing of payment for salary and travel expenses
 74 of certain field staff; amending s. 657.005, F.S.;
 75 revising requirements for permission to organize
 76 credit unions; amending s. 657.024, F.S.; authorizing
 77 meetings of credit union members to be held virtually
 78 without an in-person quorum and authorizing virtual
 79 attendance to satisfy quorum requirements under
 80 certain circumstances; amending s. 657.042, F.S.;
 81 removing provisions that impose limitations on
 82 investments in real estate and equipment for credit
 83 unions; amending s. 658.21, F.S.; revising
 84 requirements and factors for approving applications
 85 for organizing banks and trust companies; amending s.
 86 658.33, F.S.; revising requirements for directors of
 87 certain banks and trust companies; amending s.

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88 662.141, F.S.; revising the timeline for the mailing
 89 of payment for the salary and travel expenses of
 90 certain field staff; amending s. 517.12, F.S.;
 91 conforming a cross-reference; providing an effective
 92 date.
 93

94 Be It Enacted by the Legislature of the State of Florida:
 95

96 Section 1. Section 494.00123, Florida Statutes, is created
 97 to read:

98 494.00123 Information security programs; cybersecurity
 99 event investigations.-

100 (1) DEFINITIONS.—As used in this section, the term:

101 (a) "Customer" means a person who seeks to obtain or who
 102 obtains or has obtained a financial product or service from a
 103 licensee.

104 (b) "Customer information" means any record containing
 105 nonpublic personal information about a customer of a financial
 106 transaction, whether on paper, electronic, or in other forms,
 107 which is handled or maintained by or on behalf of the licensee
 108 or its affiliates.

109 (c) "Cybersecurity event" means an event resulting in
 110 unauthorized access to, or disruption or misuse of, an
 111 information system, information stored on such information
 112 system, or customer information held in physical form.

113 (d) "Financial product or service" means any product or
 114 service offered by a licensee under this chapter.

115 (e) "Information security program" means the
 116 administrative, technical, or physical safeguards used to

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117 access, collect, distribute, process, protect, store, use,
 118 transmit, dispose of, or otherwise handle customer information.
 119 (f) "Information system" means a discrete set of electronic
 120 information resources organized for the collection, processing,
 121 maintenance, use, sharing, dissemination, or disposition of
 122 electronic information, as well as any specialized system such
 123 as an industrial process control system, telephone switching and
 124 private branch exchange system, or environmental control system,
 125 which contain customer information or which are connected to a
 126 system that contains customer information.
 127 (g) "Licensee" means a person licensed under this chapter.
 128 (h)1. "Nonpublic personal information" means:
 129 a. Personally identifiable financial information; and
 130 b. Any list, description, or other grouping of customers
 131 which is derived using any personally identifiable financial
 132 information that is not publicly available, such as account
 133 numbers, including any list of individuals' names and street
 134 addresses which is derived, in whole or in part, using
 135 personally identifiable financial information that is not
 136 publicly available.
 137 2. The term does not include:
 138 a. Publicly available information, except as included on a
 139 list, description, or other grouping of customers described in
 140 sub-subparagraph 1.b.;
 141 b. Any list, description, or other grouping of consumers,
 142 or any publicly available information pertaining to such list,
 143 description, or other grouping of consumers, which is derived
 144 without using any personally identifiable financial information
 145 that is not publicly available; or

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146 c. Any list of individuals' names and addresses which
 147 contains only publicly available information, is not derived, in
 148 whole or in part, using personally identifiable financial
 149 information that is not publicly available, and is not disclosed
 150 in a manner that indicates that any of the individuals on the
 151 list is a customer of a licensee.
 152 3. As used in this paragraph, the term:
 153 a.(I) "Personally identifiable financial information" means
 154 any information that:
 155 (A) A customer provides to a licensee to obtain a financial
 156 product or service, such as information that a customer provides
 157 to a licensee on an application to obtain a loan or other
 158 financial product or service;
 159 (B) A licensee receives about a consumer which is obtained
 160 during or as a result of any transaction involving a financial
 161 product or service between the licensee and the customer, such
 162 as information collected through an information-collecting
 163 device from a web server; or
 164 (C) A licensee otherwise obtains about a customer in
 165 connection with providing a financial product or service to the
 166 customer, such as the fact that an individual is or has been one
 167 of the licensee's customers or has obtained a financial product
 168 or service from the licensee.
 169 (II) The term "personally identifiable financial
 170 information" does not include:
 171 (A) A list of names and addresses of customers of an entity
 172 that is not a financial institution; or
 173 (B) Information that does not identify a customer, such as
 174 blind data or aggregate information that does not contain

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175 personal identifiers such as account numbers, names, or
 176 addresses.

177 b. (I) "Publicly available information" means any
 178 information that a licensee has a reasonable basis to believe is
 179 lawfully made available to the general public from:

180 (A) Federal, state, or local government records, such as
 181 government real estate records or security interest filings;

182 (B) Widely distributed media, such as information from a
 183 telephone records repository or directory, a television or radio
 184 program, a newspaper, a social media platform, or a website that
 185 is available to the general public on an unrestricted basis. A
 186 website is not restricted merely because an Internet service
 187 provider or a site operator requires a fee or a password, so
 188 long as access is available to the general public; or

189 (C) Disclosures to the general public which are required to
 190 be made by federal, state, or local law.

191 (II) As used in this sub-subparagraph, the term "reasonable
 192 basis to believe is lawfully made available to the general
 193 public" relating to any information means that the person has
 194 taken steps to determine:

195 (A) That the information is of the type that is available
 196 to the general public, such as information included on the
 197 public record in the jurisdiction where the mortgage would be
 198 recorded; and

199 (B) Whether an individual can direct that the information
 200 not be made available to the general public and, if so, the
 201 customer to whom the information relates has not done so, such
 202 as when a telephone number is listed in a telephone directory
 203 and the customer has informed the licensee that the telephone

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204 number is not unlisted.

205 (i) "Third-party service provider" means a person, other
 206 than a licensee, which contracts with a licensee to maintain,
 207 process, or store nonpublic personal information, or is
 208 otherwise permitted access to nonpublic personal information
 209 through its provision of services to a licensee.

210 (2) INFORMATION SECURITY PROGRAM.—

211 (a) Each licensee shall develop, implement, and maintain a
 212 comprehensive written information security program that contains
 213 administrative, technical, and physical safeguards for the
 214 protection of the licensee's information system and nonpublic
 215 personal information.

216 (b) Each licensee shall ensure that the information
 217 security program meets all of the following criteria:

218 1. Be commensurate with the following measures:

219 a. Size and complexity of the licensee.

220 b. Nature and scope of the licensee's activities, including
 221 the licensee's use of third-party service providers.

222 c. Sensitivity of nonpublic personal information that is
 223 used by the licensee or that is in the licensee's possession,
 224 custody, or control.

225 2. Be designed to do all of the following:

226 a. Protect the security and confidentiality of nonpublic
 227 personal information and the security of the licensee's
 228 information system.

229 b. Protect against threats or hazards to the security or
 230 integrity of nonpublic personal information and the licensee's
 231 information system.

232 c. Protect against unauthorized access to or the use of

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233 nonpublic personal information and minimize the likelihood of
 234 harm to any customer.

235 3. Define and periodically reevaluate the retention
 236 schedule and the mechanism for the destruction of nonpublic
 237 personal information if retention is no longer necessary for the
 238 licensee's business operations or is no longer required by
 239 applicable law.

240 4. Regularly test and monitor systems and procedures for
 241 the detection of actual and attempted attacks on, or intrusions
 242 into, the licensee's information system.

243 5. Be monitored, evaluated, and adjusted, as necessary, to
 244 meet all of the following requirements:

245 a. Determine whether the licensee's information security
 246 program is consistent with relevant changes in technology.

247 b. Confirm the licensee's information security program
 248 accounts for the sensitivity of nonpublic personal information.

249 c. Identify changes that may be necessary to the licensee's
 250 information system.

251 d. Eliminate any internal or external threats to nonpublic
 252 personal information.

253 e. Amend the licensee's information security program for
 254 any of the licensee's changing business arrangements, including,
 255 but not limited to, mergers and acquisitions, alliances and
 256 joint ventures, and outsourcing arrangements.

257 (c)1. As part of a licensee's information security program,
 258 the licensee shall establish a written incident response plan
 259 designed to promptly respond to, and recover from, a
 260 cybersecurity event that compromises:

261 a. The confidentiality, integrity, or availability of

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262 nonpublic personal information in the licensee's possession;

263 b. The licensee's information system; or

264 c. The continuing functionality of any aspect of the
 265 licensee's operations.

266 2. The written incident response plan must address all of
 267 the following:

268 a. The licensee's internal process for responding to a
 269 cybersecurity event.

270 b. The goals of the licensee's incident response plan.

271 c. The assignment of clear roles, responsibilities, and
 272 levels of decisionmaking authority for the licensee's personnel
 273 that participate in the incident response plan.

274 d. External communications, internal communications, and
 275 information sharing related to a cybersecurity event.

276 e. The identification of remediation requirements for
 277 weaknesses identified in information systems and associated
 278 controls.

279 f. The documentation and reporting regarding cybersecurity
 280 events and related incident response activities.

281 g. The evaluation and revision of the incident response
 282 plan, as appropriate, following a cybersecurity event.

283 h. The process by which notice must be given as required
 284 under subsection (4) and s. 501.171(3) and (4).

285 (d)1. This section does not apply to a licensee that has
 286 fewer than:

287 a. Twenty individuals on its workforce, including employees
 288 and independent contractors; or

289 b. Five hundred customers during a calendar year.

290 2. A licensee that no longer qualifies for exemption under

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291 subparagraph 1. has 180 calendar days to comply with this
 292 section after the date of the disqualification.

293 (e) Each licensee shall maintain a copy of the information
 294 security program for a minimum of 5 years and shall make it
 295 available to the office upon request or as part of an
 296 examination.

297 (3) CYBERSECURITY EVENT INVESTIGATION.—

298 (a) If a licensee discovers that a cybersecurity event has
 299 occurred or that a cybersecurity event may have occurred, the
 300 licensee, or an outside vendor or third-party service provider
 301 that the licensee has designated to act on its behalf, shall
 302 conduct a prompt investigation of the cybersecurity event.

303 (b) During the investigation, the licensee, or the outside
 304 vendor or third-party service provider that the licensee has
 305 designated to act on its behalf, shall, at a minimum, determine
 306 as much of the following as possible:

- 307 1. Confirm that a cybersecurity event has occurred.
- 308 2. Identify the date that the cybersecurity event first
 309 occurred.
- 310 3. Assess the nature and scope of the cybersecurity event.
- 311 4. Identify all nonpublic personal information that may
 312 have been compromised by the cybersecurity event.
- 313 5. Perform or oversee reasonable measures to restore the
 314 security of any compromised information system in order to
 315 prevent further unauthorized acquisition, release, or use of
 316 nonpublic personal information that is in the licensee's,
 317 outside vendor's, or third-party service provider's possession,
 318 custody, or control.

319 (c) If a licensee learns that a cybersecurity event has

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320 occurred, or may have occurred, in an information system
 321 maintained by a third-party service provider of the licensee,
 322 the licensee shall complete an investigation in compliance with
 323 this section or confirm and document that the third-party
 324 service provider has completed an investigation in compliance
 325 with this section.

326 (d) A licensee shall maintain all records and documentation
 327 related to the licensee's investigation of a cybersecurity event
 328 for a minimum of 5 years after the date of the cybersecurity
 329 event and shall produce the records and documentation to the
 330 office upon request.

331 (4) NOTICE TO OFFICE OF SECURITY BREACH.—

332 (a) Each licensee shall provide notice to the office of any
 333 breach of security affecting 500 or more individuals in this
 334 state at a time and in the manner prescribed by commission rule.

335 (b) Each licensee shall, upon the office's request, provide
 336 a quarterly update of a cybersecurity event investigation under
 337 subsection (3) until conclusion of the investigation.

338 (5) CONSTRUCTION.—This section may not be construed to
 339 relieve a covered entity from complying with s. 501.171. To the
 340 extent a licensee is a covered entity, as defined in s.
 341 501.171(1), the licensee remains subject to s. 501.171.

342 (6) RULES.—The commission may adopt rules to administer
 343 this section, including rules that allow a licensee that is in
 344 full compliance with the Federal Trade Commission's Standards
 345 for Safeguarding Customer Information, 16 C.F.R. part 314, to be
 346 deemed in compliance with subsection (2).

347 Section 2. Paragraph (z) is added to subsection (1) of
 348 section 494.00255, Florida Statutes, to read:

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349 494.00255 Administrative penalties and fines; license
 350 violations.—

351 (1) Each of the following acts constitutes a ground for
 352 which the disciplinary actions specified in subsection (2) may
 353 be taken against a person licensed or required to be licensed
 354 under part II or part III of this chapter:

355 (z) Failure to comply with the notification requirements in
 356 s. 501.171(3) and (4).

357 Section 3. Present subsections (28) through (36) of section
 358 517.021, Florida Statutes, are redesignated as subsections (29)
 359 through (37), respectively, a new subsection (28) is added to
 360 that section, and subsection (20) of that section is amended, to
 361 read:

362 517.021 Definitions.—When used in this chapter, unless the
 363 context otherwise indicates, the following terms have the
 364 following respective meanings:

365 (20) (a) “Investment adviser” means a person, other than an
 366 associated person of an investment adviser or a federal covered
 367 adviser, that receives compensation, directly or indirectly, and
 368 engages for all or part of the person’s time, directly or
 369 indirectly, or through publications or writings, in the business
 370 of advising others as to the value of securities or as to the
 371 advisability of investments in, purchasing of, or selling of
 372 securities.

373 (b) The term does not include any of the following:

374 1. A dealer or an associated person of a dealer whose
 375 performance of services in paragraph (a) is solely incidental to
 376 the conduct of the dealer’s or associated person’s business as a
 377 dealer and who does not receive special compensation for those

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378 services.

379 2. A licensed practicing attorney or certified public
 380 accountant whose performance of such services is solely
 381 incidental to the practice of the attorney’s or accountant’s
 382 profession.

383 3. A bank authorized to do business in this state.

384 4. A bank holding company as defined in the Bank Holding
 385 Company Act of 1956, as amended, authorized to do business in
 386 this state.

387 5. A trust company having trust powers, as defined in s.
 388 658.12, which it is authorized to exercise in this state, which
 389 trust company renders or performs investment advisory services
 390 in a fiduciary capacity incidental to the exercise of its trust
 391 powers.

392 6. A person that renders investment advice exclusively to
 393 insurance or investment companies.

394 7. A person:

395 a. Without a place of business in this state if the person
 396 has had ~~that~~, during the preceding 12 months, ~~has~~ fewer than six
 397 clients who are residents of this state.

398 b. With a place of business in this state if the person has
 399 had, during the preceding 12 months, fewer than six clients who
 400 are residents of this state and no clients who are not residents
 401 of this state.

402

403 As used in this subparagraph, the term “client” has the same
 404 meaning as provided in Securities and Exchange Commission Rule
 405 222-2 ~~275.222-2~~, 17 C.F.R. s. 275.222-2, as amended.

406 8. A federal covered adviser.

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407 9. The United States, a state, or any political subdivision
 408 of a state, or any agency, authority, or instrumentality of any
 409 such entity; a business entity that is wholly owned directly or
 410 indirectly by such a governmental entity; or any officer, agent,
 411 or employee of any such governmental or business entity who is
 412 acting within the scope of his or her official duties.

413 10. A family office as defined in Securities and Exchange
 414 Commission Rule 202(a)(11)(G)-1(b) under the Investment Advisers
 415 Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b), as amended. In
 416 determining whether a person meets the definition of a family
 417 office under this subparagraph, the terms "affiliated family
 418 office," "control," "executive officer," "family client,"
 419 "family entity," "family member," "former family member," "key
 420 employee," and "spousal equivalent" have the same meaning as in
 421 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d), 17
 422 C.F.R. s. 275.202(a)(11)(G)-1(d).

423 (28) "Place of business" of an investment adviser means an
 424 office at which the investment adviser regularly provides
 425 investment advisory services to, solicits, meets with, or
 426 otherwise communicates with clients; and any other location that
 427 is held out to the general public as a location at which the
 428 investment adviser provides investment advisory services to,
 429 solicits, meets with, or otherwise communicates with clients.

430 Section 4. Paragraph (i) of subsection (9) of section
 431 517.061, Florida Statutes, is amended to read:

432 517.061 Exempt transactions.—Except as otherwise provided
 433 in subsection (11), the exemptions provided herein from the
 434 registration requirements of s. 517.07 are self-executing and do
 435 not require any filing with the office before being claimed. Any

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436 person who claims entitlement to an exemption under this section
 437 bears the burden of proving such entitlement in any proceeding
 438 brought under this chapter. The registration provisions of s.
 439 517.07 do not apply to any of the following transactions;
 440 however, such transactions are subject to s. 517.301:

441 (9) The offer or sale of securities to:

442 (i) A family office as defined in Securities and Exchange
 443 Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the
 444 Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-
 445 1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

446 1. The family office has assets under management in excess
 447 of \$5 million;

448 2. The family office is not formed for the specific purpose
 449 of acquiring the securities offered; and

450 3. The prospective investment of the family office is
 451 directed by a person who has knowledge and experience in
 452 financial and business matters that the family office is capable
 453 of evaluating the merits and risks of the prospective
 454 investment.

455
 456 In determining whether a person meets the definition of a family
 457 office under this paragraph, the terms "affiliated family
 458 office," "control," "executive officer," "family client,"
 459 "family entity," "family member," "former family member," "key
 460 employee," and "spousal equivalent" have the same meaning as in
 461 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d), 17
 462 C.F.R. s. 275.202(a)(11)(G)-1(d).

463 Section 5. Section 520.135, Florida Statutes, is created to
 464 read:

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465 520.135 Surrendered or repossessed vehicles.-The rights and
 466 obligations of parties with respect to a surrendered or
 467 repossessed motor vehicle are exclusively governed by part VI of
 468 chapter 679.

469 Section 6. Subsections (1) and (2) of section 560.114,
 470 Florida Statutes, are amended to read:

471 560.114 Disciplinary actions; penalties.-

472 (1) The following actions by a money services business, an
 473 authorized vendor, or a ~~affiliated~~ party that was affiliated at
 474 the time of commission of the actions constitute grounds for the
 475 issuance of a cease and desist order; the issuance of a removal
 476 order; the denial, suspension, or revocation of a license; or
 477 taking any other action within the authority of the office
 478 pursuant to this chapter:

479 (a) Failure to comply with any provision of this chapter or
 480 related rule or order, or any written agreement entered into
 481 with the office.

482 (b) Fraud, misrepresentation, deceit, or gross negligence
 483 in any transaction by a money services business, regardless of
 484 reliance thereon by, or damage to, a customer.

485 (c) Fraudulent misrepresentation, circumvention, or
 486 concealment of any matter that must be stated or furnished to a
 487 customer pursuant to this chapter, regardless of reliance
 488 thereon by, or damage to, such customer.

489 (d) False, deceptive, or misleading advertising.

490 (e) Failure to maintain, preserve, keep available for
 491 examination, and produce all books, accounts, files, or other
 492 documents required by this chapter or related rules or orders,
 493 by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340,

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494 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410,
 495 or by an agreement entered into with the office.

496 (f) Refusing to allow the examination or inspection of
 497 books, accounts, files, or other documents by the office
 498 pursuant to this chapter, or to comply with a subpoena issued by
 499 the office.

500 (g) Failure to pay a judgment recovered in any court by a
 501 claimant in an action arising out of a money transmission
 502 transaction within 30 days after the judgment becomes final.

503 (h) Engaging in an act prohibited under s. 560.111 or s.
 504 560.1115.

505 (i) Insolvency.

506 (j) Failure by a money services business to remove an
 507 affiliated party after the office has issued and served upon the
 508 money services business a final order setting forth a finding
 509 that the affiliated party has violated a provision of this
 510 chapter.

511 (k) Making a material misstatement, misrepresentation, or
 512 omission in an application for licensure, any amendment to such
 513 application, or application for the appointment of an authorized
 514 vendor.

515 (l) Committing any act that results in a license or its
 516 equivalent, to practice any profession or occupation being
 517 denied, suspended, revoked, or otherwise acted against by a
 518 licensing authority in any jurisdiction.

519 (m) Being the subject of final agency action or its
 520 equivalent, issued by an appropriate regulator, for engaging in
 521 unlicensed activity as a money services business or deferred
 522 presentment provider in any jurisdiction.

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523 (n) Committing any act resulting in a license or its
 524 equivalent to practice any profession or occupation being
 525 denied, suspended, revoked, or otherwise acted against by a
 526 licensing authority in any jurisdiction for a violation of 18
 527 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C.
 528 s. 5324, or any other law or rule of another state or of the
 529 United States relating to a money services business, deferred
 530 presentment provider, or usury that may cause the denial,
 531 suspension, or revocation of a money services business or
 532 deferred presentment provider license or its equivalent in such
 533 jurisdiction.

534 (o) Having been convicted of, or entered a plea of guilty
 535 or nolo contendere to, any felony or crime punishable by
 536 imprisonment of 1 year or more under the law of any state or the
 537 United States which involves fraud, moral turpitude, or
 538 dishonest dealing, regardless of adjudication.

539 (p) Having been convicted of, or entered a plea of guilty
 540 or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31
 541 U.S.C. s. 5318, s. 5322, or s. 5324, regardless of adjudication.

542 (q) Having been convicted of, or entered a plea of guilty
 543 or nolo contendere to, misappropriation, conversion, or unlawful
 544 withholding of moneys belonging to others, regardless of
 545 adjudication.

546 (r) Having been convicted of, or entered a plea of guilty
 547 or nolo contendere to, a violation of 31 C.F.R. chapter X, part
 548 1022, regardless of adjudication.

549 (s)~~(r)~~ Failure to inform the office in writing within 30
 550 days after having pled guilty or nolo contendere to, or being
 551 convicted of, any felony or crime punishable by imprisonment of

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552 1 year or more under the law of any state or the United States,
 553 or any crime involving fraud, moral turpitude, or dishonest
 554 dealing.

555 (t)~~(e)~~ Aiding, assisting, procuring, advising, or abetting
 556 any person in violating a provision of this chapter or any order
 557 or rule of the office or commission.

558 (u)~~(t)~~ Failure to pay any fee, charge, or cost imposed or
 559 assessed under this chapter.

560 (v)~~(u)~~ Failing to pay a fine assessed by the office within
 561 30 days after the due date as stated in a final order.

562 (w)~~(v)~~ Failure to pay any judgment entered by any court
 563 within 30 days after the judgment becomes final.

564 (x)~~(w)~~ Engaging or advertising engagement in the business
 565 of a money services business or deferred presentment provider
 566 without a license, unless exempted from licensure.

567 (y)~~(x)~~ Payment to the office for a license or other fee,
 568 charge, cost, or fine with a check or electronic transmission of
 569 funds that is dishonored by the applicant's or licensee's
 570 financial institution.

571 (z)~~(y)~~ Violations of 31 C.F.R. ss. 1010.306, 1010.311,
 572 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320,
 573 1022.380, and 1022.410, and United States Treasury Interpretive
 574 Release 2004-1.

575 (aa)~~(z)~~ Any practice or conduct that creates the likelihood
 576 of a material loss, insolvency, or dissipation of assets of a
 577 money services business or otherwise materially prejudices the
 578 interests of its customers.

579 (bb)~~(aa)~~ Failure of a check casher to maintain a federally
 580 insured depository account as required by s. 560.309.

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581 ~~(cc)~~ Failure of a check casher to deposit into its own
 582 federally insured depository account any payment instrument
 583 cashed as required by s. 560.309.

584 ~~(dd)~~ Violating any provision of the Military Lending
 585 Act, 10 U.S.C. s. 987, or the regulations adopted under that act
 586 in 32 C.F.R. part 232, in connection with a deferred presentment
 587 transaction conducted under part IV of this chapter.

588 (ee) Failure to comply with the notification requirements
 589 in s. 501.171(3) and (4).

590 (2) Pursuant to ~~s. 120.60(6)~~, The office shall issue an
 591 emergency order suspending ~~may summarily suspend~~ the license of
 592 a money services business if the office finds that a licensee
 593 poses an immediate, serious danger to the public health, safety,
 594 and welfare. ~~A proceeding in which the office seeks the issuance~~
 595 ~~of a final order for the summary suspension of a licensee shall~~
 596 ~~be conducted by the commissioner of the office, or his or her~~
 597 ~~designee, who shall issue such order.~~ The following acts are
 598 deemed by the Legislature to constitute an immediate and serious
 599 danger to the public health, safety, and welfare, and the office
 600 shall ~~may~~ immediately suspend the license of a money services
 601 business without making any further findings of immediate
 602 danger, necessity, and procedural fairness if:

603 (a) The money services business fails to provide to the
 604 office, upon written request, any of the records required by s.
 605 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule
 606 adopted under those sections. The suspension may be rescinded if
 607 the licensee submits the requested records to the office.

608 (b) The money services business fails to maintain a
 609 federally insured depository account as required by s.

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610 560.208(4) or s. 560.309.

611 (c) A natural person required to be listed on the license
 612 application for a money services business pursuant to s.
 613 560.141(1)(a)3. is criminally charged with, or arrested for, a
 614 crime described in paragraph (1)(o), paragraph (1)(p), or
 615 paragraph(1)(q).

616 Section 7. Section 560.1311, Florida Statutes, is created
 617 to read:

618 560.1311 Information security programs; cybersecurity event
 619 investigations.—

620 (1) DEFINITIONS.—As used in this section, the term:

621 (a) “Customer” means a person who seeks to obtain or who
 622 obtains or has obtained a financial product or service from a
 623 licensee.

624 (b) “Customer information” means any record containing
 625 nonpublic personal information about a customer of a financial
 626 transaction, whether on paper, electronic, or in other forms,
 627 which is handled or maintained by or on behalf of the licensee
 628 or its affiliates.

629 (c) “Cybersecurity event” means an event resulting in
 630 unauthorized access to, or disruption or misuse of, an
 631 information system, information stored on such information
 632 system, or customer information held in physical form.

633 (d) “Financial product or service” means any product or
 634 service offered by a licensee under this chapter.

635 (e) “Information security program” means the
 636 administrative, technical, or physical safeguards used to
 637 access, collect, distribute, process, protect, store, use,
 638 transmit, dispose of, or otherwise handle customer information.

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639 (f) "Information system" means a discrete set of electronic
 640 information resources organized for the collection, processing,
 641 maintenance, use, sharing, dissemination, or disposition of
 642 electronic information, as well as any specialized system such
 643 as an industrial process control system, telephone switching and
 644 private branch exchange system, or environmental control system,
 645 which contain customer information or which are connected to a
 646 system that contains customer information.

647 (g)1. "Nonpublic personal information" means:
 648 a. Personally identifiable financial information; and
 649 b. Any list, description, or other grouping of customers
 650 which is derived using any personally identifiable financial
 651 information that is not publicly available, such as account
 652 numbers, including any list of individuals' names and street
 653 addresses which is derived, in whole or in part, using
 654 personally identifiable financial information that is not
 655 publicly available.

656 2. The term does not include:
 657 a. Publicly available information, except as included on a
 658 list, description, or other grouping of customers described in
 659 sub-subparagraph 1.b.;
 660 b. Any list, description, or other grouping of consumers,
 661 or any publicly available information pertaining to such list,
 662 description, or other grouping of consumers, which is derived
 663 without using any personally identifiable financial information
 664 that is not publicly available; or
 665 c. Any list of individuals' names and addresses which
 666 contains only publicly available information, is not derived, in
 667 whole or in part, using personally identifiable financial

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668 information that is not publicly available, and is not disclosed
 669 in a manner that indicates that any of the individuals on the
 670 list is a customer of a licensee.

671 3. As used in this paragraph, the term:
 672 a.(I) "Personally identifiable financial information" means
 673 any information that:

674 (A) A customer provides to a licensee to obtain a financial
 675 product or service, such as information that a customer provides
 676 to a licensee on an application to obtain a loan or other
 677 financial product or service;

678 (B) A licensee receives about a consumer which is obtained
 679 during or as a result of any transaction involving a financial
 680 product or service between the licensee and the customer, such
 681 as information collected through an information-collecting
 682 device from a web server; or

683 (C) A licensee otherwise obtains about a customer in
 684 connection with providing a financial product or service to the
 685 customer, such as the fact that an individual is or has been one
 686 of the licensee's customers or has obtained a financial product
 687 or service from the licensee.

688 (II) The term "personally identifiable financial
 689 information" does not include:

690 (A) A list of names and addresses of customers of an entity
 691 that is not a financial institution; or

692 (B) Information that does not identify a customer, such as
 693 blind data or aggregate information that does not contain
 694 personal identifiers such as account numbers, names, or
 695 addresses.

696 b.(I) "Publicly available information" means any

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697 information that a licensee has a reasonable basis to believe is
 698 lawfully made available to the general public from:

699 (A) Federal, state, or local government records, such as
 700 government real estate records or security interest filings;

701 (B) Widely distributed media, such as information from a
 702 telephone records repository or directory, a television or radio
 703 program, a newspaper, a social media platform, or a website that
 704 is available to the general public on an unrestricted basis. A
 705 website is not restricted merely because an Internet service
 706 provider or a site operator requires a fee or a password, so
 707 long as access is available to the general public; or

708 (C) Disclosures to the general public which are required to
 709 be made by federal, state, or local law.

710 (II) As used in this sub-subparagraph, the term "reasonable
 711 basis to believe is lawfully made available to the general
 712 public" relating to any information means that the person has
 713 taken steps to determine:

714 (A) That the information is of the type that is available
 715 to the general public, such as information included on the
 716 public record in the jurisdiction where the mortgage would be
 717 recorded; and

718 (B) Whether an individual can direct that the information
 719 not be made available to the general public and, if so, the
 720 customer to whom the information relates has not done so, such
 721 as when a telephone number is listed in a telephone directory
 722 and the customer has informed the licensee that the telephone
 723 number is not unlisted.

724 (h) "Third-party service provider" means a person, other
 725 than a licensee, which contracts with a licensee to maintain,

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726 process, or store nonpublic personal information, or is
 727 otherwise permitted access to nonpublic personal information
 728 through its provision of services to a licensee.

729 (2) INFORMATION SECURITY PROGRAM.—

730 (a) Each licensee shall develop, implement, and maintain a
 731 comprehensive written information security program that contains
 732 administrative, technical, and physical safeguards for the
 733 protection of the licensee's information system and nonpublic
 734 personal information.

735 (b) Each licensee shall ensure that the information
 736 security program meets all of the following criteria:

737 1. Be commensurate with the following measures:

738 a. Size and complexity of the licensee.

739 b. Nature and scope of the licensee's activities, including
 740 the licensee's use of third-party service providers.

741 c. Sensitivity of nonpublic personal information that is
 742 used by the licensee or that is in the licensee's possession,
 743 custody, or control.

744 2. Be designed to do all of the following:

745 a. Protect the security and confidentiality of nonpublic
 746 personal information and the security of the licensee's
 747 information system.

748 b. Protect against threats or hazards to the security or
 749 integrity of nonpublic personal information and the licensee's
 750 information system.

751 c. Protect against unauthorized access to or the use of
 752 nonpublic personal information and minimize the likelihood of
 753 harm to any customer.

754 3. Define and periodically reevaluate the retention

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755 schedule and the mechanism for the destruction of nonpublic
 756 personal information if retention is no longer necessary for the
 757 licensee's business operations or is no longer required by
 758 applicable law.

759 4. Regularly test and monitor systems and procedures for
 760 the detection of actual and attempted attacks on, or intrusions
 761 into, the licensee's information system.

762 5. Be monitored, evaluated, and adjusted, as necessary, to
 763 meet all of the following requirements:

764 a. Determine whether the licensee's information security
 765 program is consistent with relevant changes in technology.

766 b. Confirm the licensee's information security program
 767 accounts for the sensitivity of nonpublic personal information.

768 c. Identify changes that may be necessary to the licensee's
 769 information system.

770 d. Eliminate any internal or external threats to nonpublic
 771 personal information.

772 e. Amend the licensee's information security program for
 773 any of the licensee's changing business arrangements, including,
 774 but not limited to, mergers and acquisitions, alliances and
 775 joint ventures, and outsourcing arrangements.

776 (c)1. As part of a licensee's information security program,
 777 the licensee shall establish a written incident response plan
 778 designed to promptly respond to, and recover from, a
 779 cybersecurity event that compromises:

780 a. The confidentiality, integrity, or availability of
 781 nonpublic personal information in the licensee's possession;

782 b. The licensee's information system; or

783 c. The continuing functionality of any aspect of the

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784 licensee's operations.

785 2. The written incident response plan must address all of
 786 the following:

787 a. The licensee's internal process for responding to a
 788 cybersecurity event.

789 b. The goals of the licensee's incident response plan.

790 c. The assignment of clear roles, responsibilities, and
 791 levels of decisionmaking authority for the licensee's personnel
 792 that participate in the incident response plan.

793 d. External communications, internal communications, and
 794 information sharing related to a cybersecurity event.

795 e. The identification of remediation requirements for
 796 weaknesses identified in information systems and associated
 797 controls.

798 f. The documentation and reporting regarding cybersecurity
 799 events and related incident response activities.

800 g. The evaluation and revision of the incident response
 801 plan, as appropriate, following a cybersecurity event.

802 h. The process by which notice must be given as required
 803 under subsection (4) and s. 501.171(3) and (4).

804 (d)1. This section does not apply to a licensee that has
 805 fewer than:

806 a. Twenty individuals on its workforce, including employees
 807 and independent contractors; or

808 b. Five hundred customers during a calendar year.

809 2. A licensee that no longer qualifies for exemption under
 810 subparagraph 1. has 180 calendar days to comply with this
 811 section after the date of the disqualification.

812 (e) Each licensee shall maintain a copy of the information

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813 security program for a minimum of 5 years and shall make it
 814 available to the office upon request or as part of an
 815 examination.

816 (3) CYBERSECURITY EVENT INVESTIGATION.—

817 (a) If a licensee discovers that a cybersecurity event has
 818 occurred or that a cybersecurity event may have occurred, the
 819 licensee, or an outside vendor or third-party service provider
 820 that the licensee has designated to act on its behalf, shall
 821 conduct a prompt investigation of the cybersecurity event.

822 (b) During the investigation, the licensee, or the outside
 823 vendor or third-party service provider that the licensee has
 824 designated to act on its behalf, shall, at a minimum, determine
 825 as much of the following as possible:

826 1. Confirm that a cybersecurity event has occurred.

827 2. Identify the date that the cybersecurity event first
 828 occurred.

829 3. Assess the nature and scope of the cybersecurity event.

830 4. Identify all nonpublic personal information that may
 831 have been compromised by the cybersecurity event.

832 5. Perform or oversee reasonable measures to restore the
 833 security of any compromised information system in order to
 834 prevent further unauthorized acquisition, release, or use of
 835 nonpublic personal information that is in the licensee's,
 836 outside vendor's, or third-party service provider's possession,
 837 custody, or control.

838 (c) If a licensee learns that a cybersecurity event has
 839 occurred, or may have occurred, in an information system
 840 maintained by a third-party service provider of the licensee,
 841 the licensee shall complete an investigation in compliance with

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842 this section or confirm and document that the third-party
 843 service provider has completed an investigation in compliance
 844 with this section.

845 (d) A licensee shall maintain all records and documentation
 846 related to the licensee's investigation of a cybersecurity event
 847 for a minimum of 5 years after the date of the cybersecurity
 848 event and shall produce the records and documentation to the
 849 office upon request.

850 (4) NOTICE TO OFFICE OF SECURITY BREACH.—

851 (a) Each licensee shall provide notice to the office of any
 852 breach of security affecting 500 or more individuals in this
 853 state at a time and in the manner prescribed by commission rule.

854 (b) Each licensee shall, upon the office's request, provide
 855 a quarterly update of a cybersecurity event investigation under
 856 subsection (3) until conclusion of the investigation.

857 (5) CONSTRUCTION.—This section may not be construed to
 858 relieve a covered entity from complying with s. 501.171. To the
 859 extent a licensee is a covered entity, as defined in s.
 860 501.171(1), the licensee remains subject to s. 501.171.

861 (6) RULES.—The commission may adopt rules to administer
 862 this section, including rules that allow a licensee that is in
 863 full compliance with the Federal Trade Commission's Standards
 864 for Safeguarding Customer Information, 16 C.F.R. part 314, to be
 865 deemed in compliance with subsection (2).

866 Section 8. Section 655.0171, Florida Statutes, is created
 867 to read:

868 655.0171 Requirements for customer data security and for
 869 notices of security breaches.—

870 (1) DEFINITIONS.—As used in this section, the term:

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871 (a) "Breach of security" or "breach" means unauthorized
 872 access of data in electronic form containing personal
 873 information. Good faith access of personal information by an
 874 employee or agent of a financial institution does not constitute
 875 a breach of security, provided that the information is not used
 876 for a purpose unrelated to the business or subject to further
 877 unauthorized use. As used in this paragraph, the term "data in
 878 electronic form" means any data stored electronically or
 879 digitally on any computer system or other database and includes
 880 recordable tapes and other mass storage devices.

881 (b) "Department" means the Department of Legal Affairs.

882 (c)1. "Personal information" means:

883 a. An individual's first name, or first initial, and last
 884 name, in combination with any of the following data elements for
 885 that individual:

886 (I) A social security number;

887 (II) A driver license or identification card number,
 888 passport number, military identification number, or other
 889 similar number issued on a government document used to verify
 890 identity;

891 (III) A financial account number or credit or debit card
 892 number, in combination with any required security code, access
 893 code, or password that is necessary to permit access to the
 894 individual's financial account;

895 (IV) The individual's biometric data as defined in s.
 896 501.702; or

897 (V) Any information regarding the individual's geolocation;
 898 or

899 b. A username or e-mail address, in combination with a

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900 password or security question and answer that would permit
 901 access to an online account.

902 2. The term does not include information about an
 903 individual which has been made publicly available by a federal,
 904 state, or local governmental entity. The term also does not
 905 include information that is encrypted, secured, or modified by
 906 any other method or technology that removes elements that
 907 personally identify an individual or that otherwise renders the
 908 information unusable.

909 (2) REQUIREMENTS FOR DATA SECURITY.—Each financial
 910 institution shall take reasonable measures to protect and secure
 911 data that are in electronic form and that contain personal
 912 information.

913 (3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—

914 (a)1. Each financial institution shall provide notice to
 915 the office of any breach of security affecting 500 or more
 916 individuals in this state. Such notice must be provided to the
 917 office as expeditiously as practicable, but no later than 30
 918 days after the determination of the breach or the determination
 919 of a reason to believe that a breach has occurred.

920 2. The written notice to the office must include the items
 921 required under s. 501.171(3)(b).

922 3. A financial institution must provide the following
 923 information to the office upon its request:

924 a. A police report, incident report, or computer forensics
 925 report.

926 b. A copy of the policies in place regarding breaches.

927 c. Steps that have been taken to rectify the breach.

928 4. A financial institution may provide the office with

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929 supplemental information regarding a breach at any time.

930 (b) Each financial institution shall provide notice to the
 931 department of any breach of security affecting 500 or more
 932 individuals in this state. Such notice must be provided to the
 933 department in accordance with s. 501.171.

934 (4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each
 935 financial institution shall give notice to each individual in
 936 this state whose personal information was, or the financial
 937 institution reasonably believes to have been, accessed as a
 938 result of the breach in accordance with s. 501.171(4). The
 939 notice must be provided no later than 30 days after the
 940 determination of the breach or the determination of a reason to
 941 believe that a breach has occurred. A financial institution may
 942 receive 15 additional days to provide notice to individuals of a
 943 security breach as required in this subsection if good cause for
 944 delay is provided in writing to the office within 30 days after
 945 determination of the breach or determination of the reason to
 946 believe that a breach has occurred.

947 (5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial
 948 institution discovers circumstances requiring notice pursuant to
 949 this section of more than 1,000 individuals at a single time,
 950 the financial institution shall also notify, without
 951 unreasonable delay, all consumer reporting agencies that compile
 952 and maintain files on consumers on a nationwide basis, as
 953 defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p),
 954 of the timing, distribution, and content of the notices.

955 Section 9. Paragraph (d) of subsection (1) of section
 956 655.045, Florida Statutes, is amended to read:
 957 655.045 Examinations, reports, and internal audits;

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958 penalty.—

959 (1) The office shall conduct an examination of the
 960 condition of each state financial institution at least every 18
 961 months. The office may conduct more frequent examinations based
 962 upon the risk profile of the financial institution, prior
 963 examination results, or significant changes in the institution
 964 or its operations. The office may use continuous, phase, or
 965 other flexible scheduling examination methods for very large or
 966 complex state financial institutions and financial institutions
 967 owned or controlled by a multi-financial institution holding
 968 company. The office shall consider examination guidelines from
 969 federal regulatory agencies in order to facilitate, coordinate,
 970 and standardize examination processes.

971 (d) As used in this section, the term "costs" means the
 972 salary and travel expenses directly attributable to the field
 973 staff examining the state financial institution, subsidiary, or
 974 service corporation, and the travel expenses of any supervisory
 975 staff required as a result of examination findings. The mailing
 976 of any costs incurred under this subsection must be postmarked
 977 within 45 ~~30~~ days after the date of receipt of a notice stating
 978 that such costs are due. The office may levy a late payment of
 979 up to \$100 per day or part thereof that a payment is overdue,
 980 unless excused for good cause. However, for intentional late
 981 payment of costs, the office may levy an administrative fine of
 982 up to \$1,000 per day for each day the payment is overdue.

983 Section 10. Subsection (2) of section 657.005, Florida
 984 Statutes, is amended to read:

985 657.005 Application for authority to organize a credit
 986 union; investigation.—

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

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987 (2) Any five or more individuals, a majority of whom are
 988 residents of this state and all of whom ~~who~~ represent a limited
 989 field of membership, may apply to the office for permission to
 990 organize a credit union. The fact that individuals within the
 991 proposed limited field of membership have credit union services
 992 available to them through another limited field of membership
 993 shall not preclude the granting of a certificate of
 994 authorization to engage in the business of a credit union.

995 Section 11. Subsection (1) of section 657.024, Florida
 996 Statutes, is amended to read:

997 657.024 Membership meetings.—

998 (1) The members shall receive timely notice of the annual
 999 meeting and any special meetings of the members, which shall be
 1000 held at the time, place, and in the manner provided in the
 1001 bylaws. The annual meeting and any special meetings of the
 1002 members may be held virtually without an in-person quorum, and
 1003 virtual attendance may satisfy quorum requirements, subject to
 1004 the bylaws.

1005 Section 12. Paragraph (b) of subsection (3) and present
 1006 subsection (5) of section 657.042, Florida Statutes, are amended
 1007 to read:

1008 657.042 Investment powers and limitations.—A credit union
 1009 may invest its funds subject to the following definitions,
 1010 restrictions, and limitations:

1011 (3) INVESTMENT SUBJECT TO LIMITATION OF TWO PERCENT OF
 1012 CAPITAL OF THE CREDIT UNION.—

1013 (b) Commercial paper and bonds of any corporation within
 1014 the United States which have a fixed maturity, as provided in
 1015 subsection (6) ~~(7)~~, except that the total investment in all such

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1016 paper and bonds may not exceed 10 percent of the capital of the
 1017 credit union.

1018 ~~(5) INVESTMENTS IN REAL ESTATE AND EQUIPMENT FOR THE CREDIT~~
 1019 ~~UNION.—~~

1020 ~~(a) Up to 5 percent of the capital of the credit union may~~
 1021 ~~be invested in real estate and improvements thereon, furniture,~~
 1022 ~~fixtures, and equipment utilized or to be utilized by the credit~~
 1023 ~~union for the transaction of business.~~

1024 ~~(b) The limitations provided by this subsection may be~~
 1025 ~~exceeded with the prior written approval of the office. The~~
 1026 ~~office shall grant such approval if it is satisfied that:~~

1027 1. ~~The proposed investment is necessary.~~

1028 2. ~~The amount thereof is commensurate with the size and~~
 1029 ~~needs of the credit union.~~

1030 3. ~~The investment will be beneficial to the members.~~

1031 4. ~~A reasonable plan is developed to reduce the investment~~
 1032 ~~to statutory limits.~~

1033 Section 13. Paragraphs (b) and (c) of subsection (4) of
 1034 section 658.21, Florida Statutes, are amended to read:

1035 658.21 Approval of application; findings required.—The
 1036 office shall approve the application if it finds that:

1037 (4)

1038 (b) At least two of the proposed directors who are not also
 1039 proposed officers must have had within the 10 years before the
 1040 date of the application at least 1 year of direct experience as
 1041 an executive officer, regulator, or director of a financial
 1042 institution as specified in the application ~~within the 5 years~~
 1043 ~~before the date of the application. However, if the applicant~~
 1044 ~~demonstrates that at least one of the proposed directors has~~

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1045 ~~very substantial experience as an executive officer, director,~~
 1046 ~~or regulator of a financial institution more than 5 years before~~
 1047 ~~the date of the application, the office may modify the~~
 1048 ~~requirement and allow the applicant to have only one director~~
 1049 ~~who has direct financial institution experience within the last~~
 1050 ~~5 years.~~

1051 (c) The proposed president or chief executive officer must
 1052 have had at least 1 year of direct experience as an executive
 1053 officer, director, or regulator of a financial institution
 1054 within the last 10 5 years. In making a decision, the office
 1055 must also consider ~~may waive this requirement after considering:~~

1056 1. The adequacy of the overall experience and expertise of
 1057 the proposed president or chief executive officer;

1058 2. The likelihood of successful operation of the proposed
 1059 state bank or trust company pursuant to subsection (1);

1060 3. The adequacy of the proposed capitalization under
 1061 subsection (2);

1062 4. The proposed capital structure under subsection (3);

1063 5. The experience of the other proposed officers and
 1064 directors; and

1065 6. Any other relevant data or information.

1066 Section 14. Subsection (2) of section 658.33, Florida
 1067 Statutes, is amended to read:

1068 658.33 Directors, number, qualifications; officers.—

1069 (2) Not less than a majority of the directors must, during
 1070 their whole term of service, be citizens of the United States,
 1071 and at least a majority of the directors must have resided in
 1072 this state for at least 1 year preceding their election and must
 1073 be residents therein during their continuance in office. In the

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1074 case of a bank or trust company with total assets of less than
 1075 \$150 million, at least one, and in the case of a bank or trust
 1076 company with total assets of \$150 million or more, two of the
 1077 directors who are not also officers of the bank or trust company
 1078 must have had at least 1 year of direct experience as an
 1079 executive officer, regulator, or director of a financial
 1080 institution within the last 10 5 years.

1081 Section 15. Subsection (4) of section 662.141, Florida
 1082 Statutes, is amended to read:

1083 662.141 Examination, investigations, and fees.—The office
 1084 may conduct an examination or investigation of a licensed family
 1085 trust company at any time it deems necessary to determine
 1086 whether the licensed family trust company or licensed family
 1087 trust company-affiliated party thereof has violated or is about
 1088 to violate any provision of this chapter, any applicable
 1089 provision of the financial institutions codes, or any rule
 1090 adopted by the commission pursuant to this chapter or the codes.
 1091 The office may conduct an examination or investigation of a
 1092 family trust company or foreign licensed family trust company at
 1093 any time it deems necessary to determine whether the family
 1094 trust company or foreign licensed family trust company has
 1095 engaged in any act prohibited under s. 662.131 or s. 662.134
 1096 and, if a family trust company or a foreign licensed family
 1097 trust company has engaged in such act, to determine whether any
 1098 applicable provision of the financial institutions codes has
 1099 been violated.

1100 (4) For each examination of the books and records of a
 1101 family trust company, licensed family trust company, or foreign
 1102 licensed family trust company as authorized under this chapter,

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1103 the trust company shall pay a fee for the costs of the
1104 examination by the office. As used in this section, the term
1105 "costs" means the salary and travel expenses of field staff
1106 which are directly attributable to the examination of the trust
1107 company and the travel expenses of any supervisory and support
1108 staff required as a result of examination findings. The mailing
1109 of payment for costs incurred must be postmarked within 45 ~~30~~
1110 days after the receipt of a notice stating that the costs are
1111 due. The office may levy a late payment of up to \$100 per day or
1112 part thereof that a payment is overdue unless waived for good
1113 cause. However, if the late payment of costs is intentional, the
1114 office may levy an administrative fine of up to \$1,000 per day
1115 for each day the payment is overdue.

1116 Section 16. Subsection (21) of section 517.12, Florida
1117 Statutes, is amended to read:

1118 517.12 Registration of dealers, associated persons,
1119 intermediaries, and investment advisers.-

1120 (21) The registration requirements of this section do not
1121 apply to any general lines insurance agent or life insurance
1122 agent licensed under chapter 626, with regard to the sale of a
1123 security as defined in s. 517.021(34)(g) ~~s. 517.021(33)(g)~~, if
1124 the individual is directly authorized by the issuer to offer or
1125 sell the security on behalf of the issuer and the issuer is a
1126 federally chartered savings bank subject to regulation by the
1127 Federal Deposit Insurance Corporation. Actions under this
1128 subsection constitute activity under the insurance agent's
1129 license for purposes of ss. 626.611 and 626.621.

1130 Section 17. This act shall take effect July 1, 2026.

The Florida Senate
APPEARANCE RECORD

540

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
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2/12/26

Meeting Date

App. Ag. Env. & Gen. Gov.

Committee

Name

Ash Mason

Phone

Address

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:

FL. Office of Financial Regulation

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)

February 12, 2026

Meeting Date

Approps Com. on AG, Env, Gen. Gov

Committee

The Florida Senate

APPEARANCE RECORD

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SB 540

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Josh Aubuchon**

Phone **583-2400**

Address **215 S. Monroe Street, Suite 130**

Email

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:

American Financial Services 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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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02/21/2026

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 5410

Bill Number or Topic

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AEG

Committee

Amendment Barcode (if applicable)
850-375-2532

Name Christopher Hodge

Phone

Address 1709 Hermitege Blvd.

Email Christopher.Hodge@the-league.coop

Street

Tallahassee

FL

32308

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:

Florida Credit Union Assn.

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 \(flsenate.gov\)](https://www.flsenate.gov/legistics/2020/2020-2022-Joint-Rules)

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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 Appropriations Committee on Agriculture, Environment, and General
Government

BILL: CS/SB 772

INTRODUCER: Banking and Insurance Committee and Senator Burgess

SUBJECT: Limited Licenses for Portable Electronics or Eyewear Insurance

DATE: February 11, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 772 expands the scope of limited insurance agent licenses issued to qualified applicants for the limited line of portable electronics to include eyewear insurance. The bill includes limited licenses as agents for eyewear to the list of those exempt from examination requirements and knowledge, experience, or instruction requirements. The bill also extends claims processing exemptions specifically for portable electronic device insurance claims to eyewear insurance claims.

The bill defines the term “eyewear” to include smart glasses and nonelectronic glasses, and the term “nonelectronic eyewear” is defined to include prescription and nonprescription glasses and sunglasses. The bill amends the definition of “portable electronics” to modernize the definition to include newer technologies. The bill removes the obsolete definition of the term “portable electronics transaction.”

The bill does not impact state revenues or expenditures. The bill may reduce out of pocket costs to consumers. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

Limited Lines Insurance

The Department of Financial Services (DFS) must issue to a qualified applicant a license to transact certain limited class of business, for instance, travel insurance, motor vehicle rental insurance, and portable electronics insurance.¹ “Portable electronics” is defined as personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices, including cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories, and service related to the use of such devices.²

Portable Electronics Insurance

A limited license for portable electronics insurance may include property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics.³ The license may only be issued to employees or an authorized representative of a licensed general lines agent, or a lead business location of a retail vendor that sells portable electronic insurance which must have a contractual relationship with a general lines agent.⁴ Such employees and authorized representatives may sell or offer for sale portable electronics coverage without being an insurance agent if certain criteria are met, including:

- The insurance is sold or offered for sale at a licensed location or a licensee’s branch location⁵ appointed by the licensed lead business location or its appointing insurers.
- The insurer issuing the insurance directly supervises or appoints a general lines agent to supervise the sale of the insurance.
- Brochures with specified information are made available to all prospective consumers.⁶

Brochures and other written materials related to portable electronic insurance must include certain information, for instance, that enrollment in the insurance is not required to purchase portable electronics, the material terms of the insurance, and a summary of the claims process.⁷ Individuals not licensed to sell portable electronics insurance are subject to certain compensation restrictions.⁸

A licensed and general lines agent is not required to obtain a portable electronics insurance license to sell such products at locations already licensed as an insurance agency but may apply for a license for branch locations not licensed to sell insurance.⁹ A portable electronics license

¹ Section 626.321(1), F.S.

² Section 626.321(1)(h)12.b., F.S.

³ Section 626.321(1)(h), F.S.

⁴ Section 626.321(1)(h)1., F.S.

⁵ Section 626.321(1)(h)12.a., F.S., defines “branch location” as any physical location in this state at which a licensee offers its products or services for sale.

⁶ Section 626.321(1)(h)2., F.S.

⁷ Section 626.321(1)(h)4., F.S.

⁸ Section 626.321(1)(h)3., F.S.

⁹ Section 626.321(1)(h)5., F.S.

authorizes the sale of individual policies or certificates under a group or master insurance policy, or service warranty agreements covering only portable electronics to the same extent as if licensed under s. 634.419, F.S., or s. 634.420, F.S.¹⁰ A licensee may collect the premium for the purchase of portable electronics insurance if certain conditions are met, including:

- The licensee clearly and conspicuously discloses when insurance is included with the purchase or lease of portable electronics or related services.
- Premiums are incidental to other fees collected, are readily identifiable, and are remitted to the insurer or supervising entity within 60 days of receipt.
- Funds received for the sale of the insurance are held in trust by the licensee in a fiduciary capacity for the benefit of the insurer.¹¹

The terms for the termination or modification of a portable electronics insurance policy are those provided in the policy.¹² Unless expressly provided otherwise, a person applying for or holding a limited license is subject to the same applicable requirements and responsibilities that apply to general lines agents in general if licensed as to portable electronics insurance.¹³

Qualification Exemptions

An applicant for a limited license as agent for portable electronics insurance is exempt from taking and passing a written examination to qualify for such license.¹⁴ Generally, an applicant for a license as a general lines agent must meet certain requirements as to knowledge, experience, or instruction, such as teaching or successfully completing 200 hours of course work in a specified topic within four years immediately preceding the application date.¹⁵ However, such knowledge, experience, and instruction requirements do not apply to individuals holding only limited licenses, including a limited license for portable electronics insurance.¹⁶ Portable electronic insurance limited agent licensees are also exempt from fingerprinting requirements.¹⁷

Claims Processing Exemptions

Generally, individuals need a license to handle insurance claims. However, individuals processing portable electronics insurance claims do not need an individual license if they only collect or enter claims information, work for a licensed insurance business, or are supervised by a licensed insurance adjuster¹⁸ or agent. No more than 25 unlicensed individuals can be

¹⁰ Section 626.321(1)(h)6., F.S.

¹¹ Section 626.321(1)(h)7., F.S.

¹² Section 626.321(1)(h)8., F.S.

¹³ Section 626.321(4), F.S.

¹⁴ Section 626.221(2), F.S.

¹⁵ Section 626.732(1)(a), F.S.

¹⁶ Section 626.732(7), F.S.

¹⁷ *Id.*

¹⁸ Section 626.015(2), F.S., defines “adjuster” as a public adjuster defined in s. 626.854, F.S., or an all-lines adjuster as defined in s. 626.8548, F.S. Section 626.854(1), F.S., defines “public adjuster” as any person, except a duly licensed attorney at law as exempted under s. 626.860, F.S., who, for money, commission, or any other thing of value, directly or indirectly prepares, completes, or files an insurance claim for an insured or third-party claimant, regardless of how that person describes or presents his or her services, or who, for money, commission, or any other thing of value, acts on behalf of, or aids an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract, regardless of how that person describes or presents his or her services, or who advertises for employment as an adjuster of such claims. The term also includes any person who, for money, commission, or any other thing of value, directly or indirectly solicits, investigates, or adjusts such claims on behalf of a public adjuster, an insured, or

supervised by any one licensed adjuster or agent.¹⁹ A Canadian resident cannot obtain a Florida nonresident adjuster license to handle portable electronics claims unless they have already obtained an adjuster's license in another U.S. state.²⁰

Unlicensed individuals can use an automated claims adjudication system²¹ for portable electronic claims, given that system is only used by licensed or supervised individuals, compliant with all Florida insurance code claim payment requirements, and certified as compliant by a licensed adjuster who is an officer of the business entity.²²

Eyewear Insurance vs. Current Insurance Market Options

There is currently no statutory or regulatory framework establishing “eyewear insurance” as a licensed insurance product in Florida.²³ Products marketed as such are limited warranties or protection plans provided by the retailer or manufacturer to cover defects or accidental damage under contract terms.²⁴ As such, products do not have the regulatory status, obligations, or consumer protections of true insurance products.

Vision insurance is designed to cover routine eye care exams and corrective eyewear.²⁵ While coverage can vary by plan, most plans include coverage for routine eye exams, allowances for eyeglass frames, prescription lenses, and contact lenses every one or two years.²⁶ Vision insurance typically excludes coverage for non-prescription eyewear, such as sunglasses, cosmetic procedures, medical treatments for eye disease, and specialty lenses.²⁷

Smart Glasses

“Smart glasses” are a pair of glasses that contain computer technology so that, for example, they can be used in a similar way to a smartphone, or you can get information added to what you are

a third-party claimant. The term does not include a person who photographs or inventories damaged personal property or business personal property or a person performing duties under another professional license, if such person does not otherwise solicit, adjust, investigate, or negotiate for or attempt to effect the settlement of a claim. Section 626.8548, F.S., defines “all-lines adjuster” as a person who, for money, commission, or any other thing of value, directly or indirectly undertakes on behalf of a public adjuster or an insurer to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss or damage. The term also includes any person who, for money, commission, or any other thing of value, directly or indirectly solicits claims on behalf of a public adjuster, but does not include a paid spokesperson used as part of a written or an electronic advertisement or a person who photographs or inventories damaged personal property or business personal property if such person does not otherwise adjust, investigate, or negotiate for or attempt to effect the settlement of a claim.

¹⁹ Section 626.8685(1), F.S.

²⁰ Section 626.8685(2), F.S.

²¹ Section 626.8685(1), F.S., defines “automated claims adjudication system” as a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims to fully, electronically resolve claims.

²² Section 626.8685(1), F.S.

²³ See ch. 626, F.S.

²⁴ See ch. 501, F.S.

²⁵ Associates in Eye Care, *Medical versus Vision Insurance Explained*, <https://associateseyecare.com/wp-content/uploads/Medical-vs-Vision-exam.pdf> (last visited February 3, 2026).

²⁶ *Id.*

²⁷ VSP Individual Vision Plans, *What Is Covered by Vision Insurance* (Sept. 23, 2024) <https://www.vspdirect.com/blog/article/what-is-covered-by-vision-insurance>, (last visited February 3, 2026).

seeing as you look through them.²⁸ Smart glasses have evolved to include several key features and other optional functions, such as display and augmented reality functions, hand-free communication and connectivity, camera and content creation, voice assistant and artificial intelligence (AI) integration, music and audio streaming, health and fitness tracking, productivity and work functions.²⁹ Some smart glasses are prescription eligible and can be customized with prescription lenses.³⁰

III. Effect of Proposed Changes:

CS/SB 772 expands the Department of Financial Services (DFS) authority to issue limited licenses to sell portable electronics insurance to include eyewear insurance. The bill updates provisions relating to an applicant's exemptions for a written examination and knowledge, experience, or instruction requirements for limited agent licenses for eyewear insurance. The claims processing exemption for portable electronics insurance is expanded to apply to eyewear insurance claims.

Section 1 amends s. 626.321, F.S., to require the DFS to issue limited licenses for portable electronics insurance to include eyewear insurance if certain conditions are met. The bill specifies that a license for portable electronics and eyewear insurance does not require a licensee to sell or offer for sale coverage for both products but only one limited license is required to sell insurance coverage for either product. The bill updates the following current regulatory provisions related to portable electronics insurance limited licenses to include eyewear insurance, including:

- The type of insurance coverage that may be issued.³¹
- The persons who may be issued a license for such coverage.³²
- Conditions that must be met to be eligible to sell or offer for sale portable electronics or eyewear insurance without being subject to licensure as an insurance agent.³³
- Compensation restrictions.
- Restrictions on content in brochures or other written materials.³⁴
- Applicability of the limited licensing to general lines agents.³⁵
- Types of policies a portable electronics and eyewear license may issue, including group or master insurance policies, or service warranty agreements.³⁶
- Conditions regarding a licensee's billing and collecting premiums.³⁷
- Terms for termination or modification of coverage in the policy.³⁸

²⁸ Cambridge Dictionary, *Smart Glasses*, <https://dictionary.cambridge.org/us/dictionary/english/smart-glasses> (last visited February 3, 2026).

²⁹ Chaoyuan2004@gmail.com, Banna Tech, *What Do Smart Glasses Do? Complete Functions List 2025* (Nov. 15, 2025), <https://banna-tech.com/what-smart-glasses-do-complete-list/> (last visited February 3, 2026).

³⁰ *Id.*; GlassesUSA.com, *Smart Glasses*, [Shop Smart Glasses Online | Free Shipping on All Orders](#) (last visited February 3, 2026).

³¹ Section 626.321(1)(h), F.S.

³² Section 626.321(1)(h)1., F.S.

³³ Section 626.321(1)(h)2., F.S.

³⁴ Section 626.321(1)(h)4., F.S.

³⁵ Section 626.321(1)(h)5., F.S.

³⁶ Section 626.321(1)(h)6., F.S.

³⁷ Section 626.321(1)(h)7., F.S.

³⁸ Section 626.321(1)(h)8., F.S.

- Branch locations authority to obtain a single appointment from the associated lead business location licensee instead of obtaining an appointment from an insurer or warranty association.

The bill subjects a person applying for or holding a limited license for portable electronics and eyewear insurance to the same applicable requirements and responsibilities that apply to a general lines agents unless expressly provided otherwise.

The term “eyewear” is defined to mean smart glasses and nonelectronic eyewear. The bill provides the term “nonelectronic eyewear” includes prescription and nonprescription eyeglasses and sunglasses. The bill removes the definition of the term “portable electronics transaction”³⁹ because the term is no longer referred to in the statute section. The definition of “portable electronics” is amended to mean equipment that is personal, self-contained, easily carried, by an individual; has electrical, digital, magnetic, wireless, electromagnetic, or similar capabilities; and operates using batteries, rechargeable power sources, or other energy sources. The term includes equipment used for communication; data processing; viewing; listening; recording; gaming; computing; navigation; household, health or activity monitoring; or similar uses and may also incorporate features responsive to user input or environmental conditions.

Section 2 amends s. 626.221, F.S., to exempt an applicant for a limited license as agent for portable electronics or eyewear insurance, rather than only portable electronics insurance, from a written examination.

Similarly, **section 3**, amends s. 626.732, F.S., to extend the knowledge, experience, or instruction exemption for an individual holding only a limited license for portable electronics insurance to apply to an individual holding only a limited license for “portable electronics or eyewear insurance.”

Section 4 amends s. 626.8685, F.S., to expand the claims processing exemptions for portable electronic device insurance claims to also include eyewear insurance claims. The exemption applies to an individual who collects and enters data into an automated claims adjudication system that is designed for collection, data entry, calculation, and final resolution of portable electronics or eyewear insurance that meet the specified requirements under current law.⁴⁰

Section 5 provides the bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁹ Section 626.321(1)(h)12.c., F.S., defines “portable electronics transaction” as the sale or lease of portable electronics or a related service, including portable electronics insurance.

⁴⁰ Section 626.8685(1), F.S.

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 may have an indeterminate impact on the insurance marketplace by authorizing the offering of a new insurance product recognized under state law.

The DFS reports that “[e]xpanding the limited licensing statute pertaining to portable electronics devices to include smart glasses and nonelectronic eyewear will provide consumers with opportunities to purchase valuable insurance coverage and reduce out of pocket costs to consumers to repair or replace these items in the event of a loss.”⁴¹

C. Government Sector Impact:

The bill does not impact state revenues or expenditures.⁴²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴¹ Department of Financial Services, *2026 Legislative Bill Analysis for SB 772*, p. 4 (on file with the Senate Committee on Banking and Insurance).

⁴² *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 626.321, 626.221, 626.732, and 626.8685.

IX. Additional Information:

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

CS by Banking and Insurance Committee on January 28, 2026:

The committee substitute:

- Clarifies that a licensee is not required to sell or offer for sale both portable electronics and eyewear products or insurance coverage for both products.
- Specifies that only one license is required to sell or offer for sale either portable electronics insurance or eyewear insurance, or both.
- Amends the definition of “portable electronics.”

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Burgess

597-02290-26

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1 A bill to be entitled
 2 An act relating to limited licenses for portable
 3 electronics or eyewear insurance; amending s. 626.321,
 4 F.S.; renaming "portable electronics insurance" as
 5 "portable electronics or eyewear insurance" to include
 6 eyewear for purposes of insurance coverage and
 7 licenses; providing construction; defining the term
 8 "eyewear"; revising the definition of the term
 9 "portable electronics"; deleting the obsolete
 10 definition of the term "portable electronics
 11 transaction"; amending ss. 626.221, 626.732, and
 12 626.8685, F.S.; conforming provisions to changes made
 13 by the act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (h) of subsection (1) and subsection
 18 (4) of section 626.321, Florida Statutes, are amended to read:
 19 626.321 Limited licenses and registration.—

20 (1) The department shall issue to a qualified applicant a
 21 license as agent authorized to transact a limited class of
 22 business in any of the following categories of limited lines
 23 insurance:

24 (h) *Portable electronics or eyewear insurance.*—License for
 25 property insurance or inland marine insurance that covers only
 26 loss, theft, mechanical failure, malfunction, or damage for
 27 portable electronics or eyewear. Such license does not require a
 28 licensee to sell or offer for sale coverage for both portable
 29 electronics and eyewear. This paragraph may not be construed as

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30 requiring two separate licenses to sell or offer for sale
 31 portable electronics or eyewear insurance.
 32 1. The license may be issued only to:
 33 a. Employees or authorized representatives of a licensed
 34 general lines agent; or
 35 b. The lead business location of a retail vendor that sells
 36 portable electronics or eyewear insurance. The lead business
 37 location must have a contractual relationship with a general
 38 lines agent.
 39 2. Employees or authorized representatives of a licensee
 40 under subparagraph 1. may sell or offer for sale portable
 41 electronics or eyewear coverage without being subject to
 42 licensure as an insurance agent if:
 43 a. Such insurance is sold or offered for sale at a licensed
 44 location or at one of the licensee's branch locations if the
 45 branch location is appointed by the licensed lead business
 46 location or its appointing insurers;
 47 b. The insurer issuing the insurance directly supervises or
 48 appoints a general lines agent to supervise the sale of such
 49 insurance, including the development of a training program for
 50 the employees and authorized representatives of vendors that are
 51 directly engaged in the activity of selling or offering the
 52 insurance; and
 53 c. At each location where the insurance is offered,
 54 brochures or other written materials that provide the
 55 information required by this subparagraph are made available to
 56 all prospective customers. The brochures or written materials
 57 may include information regarding portable electronics or
 58 eyewear insurance, service warranty agreements, or other

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59 incidental services or benefits offered by a licensee.

60 3. Individuals not licensed to sell portable electronics or
61 eyewear insurance may not be paid commissions based on the sale
62 of such coverage. However, a licensee who uses a compensation
63 plan for employees and authorized representatives which includes
64 supplemental compensation for the sale of noninsurance products,
65 in addition to a regular salary or hourly wages, may include
66 incidental compensation for the sale of portable electronics or
67 eyewear insurance as a component of the overall compensation
68 plan.

69 4. Brochures or other written materials related to portable
70 electronics or eyewear insurance must:

71 a. Disclose that such insurance may duplicate coverage
72 already provided by a customer's homeowners insurance policy,
73 renters insurance policy, or other source of coverage;

74 b. State that enrollment in insurance coverage is not
75 required in order to purchase or lease portable electronics or
76 eyewear or services;

77 c. Summarize the material terms of the insurance coverage,
78 including the identity of the insurer, the identity of the
79 supervising entity, the amount of any applicable deductible and
80 how it is to be paid, the benefits of coverage, and key terms
81 and conditions of coverage, such as whether portable electronics
82 or eyewear may be repaired or replaced with similar make and
83 model reconditioned or nonoriginal manufacturer parts or
84 equipment;

85 d. Summarize the process for filing a claim, including a
86 description of how to return portable electronics or eyewear and
87 the maximum fee applicable if the customer fails to comply with

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88 equipment return requirements; and

89 e. State that an enrolled customer may cancel coverage at
90 any time and that the person paying the premium will receive a
91 refund of any unearned premium.

92 5. A licensed and appointed general lines agent is not
93 required to obtain a portable electronics and eyewear insurance
94 license to offer or sell portable electronics or eyewear
95 insurance at locations already licensed as an insurance agency,
96 but may apply for a portable electronics and eyewear insurance
97 license for branch locations not otherwise licensed to sell
98 insurance.

99 6. A portable electronics and eyewear insurance license
100 authorizes the sale of individual policies or certificates under
101 a group or master insurance policy. The license also authorizes
102 the sale of service warranty agreements covering only portable
103 electronics or eyewear to the same extent as if licensed under
104 s. 634.419 or s. 634.420.

105 7. A licensee may bill and collect the premium for the
106 purchase of portable electronics or eyewear insurance provided
107 that:

108 a. If the insurance is included with the purchase or lease
109 of portable electronics or eyewear or related services, the
110 licensee clearly and conspicuously discloses that insurance
111 coverage is included with the purchase. Disclosure of the stand-
112 alone cost of the premium for same or similar insurance must be
113 made on the customer's bill and in any marketing materials made
114 available at the point of sale. If the insurance is not
115 included, the charge to the customer for the insurance must be
116 separately itemized on the customer's bill.

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117 b. Premiums are incidental to other fees collected, are
 118 maintained in a manner that is readily identifiable, and are
 119 accounted for and remitted to the insurer or supervising entity
 120 within 60 days of receipt. Licensees are not required to
 121 maintain such funds in a segregated account.

122 c. All funds received by a licensee from an enrolled
 123 customer for the sale of the insurance are considered funds held
 124 in trust by the licensee in a fiduciary capacity for the benefit
 125 of the insurer. Licensees may receive compensation for billing
 126 and collection services.

127 8. Notwithstanding any other provision of law, the terms
 128 for the termination or modification of coverage under a policy
 129 of portable electronics or eyewear insurance are those set forth
 130 in the policy.

131 9. Notice or correspondence required by the policy, or
 132 otherwise required by law, may be provided by electronic means
 133 if the insurer or licensee maintains proof that the notice or
 134 correspondence was sent. Such notice or correspondence may be
 135 sent on behalf of the insurer or licensee by the general lines
 136 agent appointed by the insurer to supervise the administration
 137 of the program. For purposes of this subparagraph, an enrolled
 138 customer's provision of an electronic mail address to the
 139 insurer or licensee is deemed to be consent to receive notices
 140 and correspondence by electronic means if a conspicuously
 141 located disclosure is provided to the customer indicating the
 142 same.

143 10. The fingerprinting requirements in s. 626.171(4) do not
 144 apply to licenses issued to qualified entities under this
 145 paragraph.

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146 11. A branch location that sells portable electronics or
 147 eyewear insurance may, in lieu of obtaining an appointment from
 148 an insurer or warranty association, obtain a single appointment
 149 from the associated lead business location licensee and pay the
 150 prescribed appointment fee under s. 624.501 if the lead business
 151 location has a single appointment from each insurer or warranty
 152 association represented and such appointment applies to the lead
 153 business location and all of its branch locations. Branch
 154 location appointments shall be renewed 24 months after the
 155 initial appointment date of the lead business location and every
 156 24 months thereafter. Notwithstanding s. 624.501, the renewal
 157 fee applicable to such branch location appointments is \$30 per
 158 appointment.

159 12. For purposes of this paragraph:

160 a. "Branch location" means any physical location in this
 161 state at which a licensee offers its products or services for
 162 sale.

163 b. "Eyewear" means smart glasses and nonelectronic eyewear.
 164 As used in this sub-subparagraph, the term "nonelectronic
 165 eyewear" includes prescription and nonprescription eyeglasses
 166 and sunglasses.

167 ~~c.b.~~ "Portable electronics" means equipment that is
 168 personal, self-contained, easily carried, by an individual; has
 169 electrical, digital, magnetic, wireless, electromagnetic, or
 170 similar capabilities; and operates using batteries, rechargeable
 171 power sources, or other energy sources. The term includes
 172 equipment used for communication; data processing; viewing;
 173 listening; recording; gaming; computing; navigation; household,
 174 health or activity monitoring; or similar uses and may also

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175 incorporate features responsive to user input or environmental
 176 conditions personal, self-contained, easily carried by an
 177 individual, battery-operated electronic communication, viewing,
 178 listening, recording, gaming, computing or global positioning
 179 devices, including cell or satellite phones, pagers, personal
 180 global positioning satellite units, portable computers, portable
 181 audio listening, video viewing or recording devices, digital
 182 cameras, video camcorders, portable gaming systems, docking
 183 stations, automatic answering devices, and other similar devices
 184 and their accessories, and service related to the use of such
 185 devices.

186 e. ~~“Portable electronics transaction” means the sale or~~
 187 ~~lease of portable electronics or a related service, including~~
 188 ~~portable electronics insurance.~~

189 (4) Except as otherwise expressly provided, a person
 190 applying for or holding a limited license is subject to the same
 191 applicable requirements and responsibilities that apply to
 192 general lines agents in general if licensed as to motor vehicle
 193 physical damage and mechanical breakdown insurance, industrial
 194 fire insurance or burglary insurance, motor vehicle rental
 195 insurance, credit insurance, crop hail and multiple-peril crop
 196 insurance, in-transit and storage personal property insurance,
 197 or portable electronics or eyewear insurance; or as apply to
 198 life agents or health agents in general, as applicable, if
 199 licensed as to travel insurance.

200 Section 2. Paragraph (b) of subsection (2) of section
 201 626.221, Florida Statutes, is amended to read:

202 626.221 Examination requirement; exemptions.—

203 (2) However, an examination is not necessary for any of the

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204 following:

205 (b) An applicant for a limited license as agent for travel
 206 insurance, motor vehicle rental insurance, credit insurance, in-
 207 transit and storage personal property insurance, or portable
 208 electronics or eyewear insurance under s. 626.321.

209 Section 3. Subsection (7) of section 626.732, Florida
 210 Statutes, is amended to read:

211 626.732 Requirement as to knowledge, experience, or
 212 instruction.—

213 (7) This section does not apply to an individual holding
 214 only a limited license for travel insurance, motor vehicle
 215 rental insurance, credit insurance, in-transit and storage
 216 personal property insurance, or portable electronics or eyewear
 217 insurance.

218 Section 4. Section 626.8685, Florida Statutes, is amended
 219 to read:

220 626.8685 Portable electronics or eyewear insurance claims;
 221 exemption; licensure restriction.—

222 (1) This part does not apply to any individual who collects
 223 claims information from, or furnishes claims information to,
 224 insureds or claimants, and who conducts data entry, including
 225 entering data into an automated claims adjudication system,
 226 provided that the individual is an employee of a business entity
 227 licensed under this chapter, or its affiliate, and no more than
 228 25 such persons are under the supervision of one licensed
 229 independent adjuster or licensed agent who is exempt from
 230 licensure pursuant to s. 626.862. For purposes of this
 231 subsection, the term “automated claims adjudication system”
 232 means a preprogrammed computer system designed for the

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233 collection, data entry, calculation, and final resolution of
234 portable electronics or eyewear insurance claims that:

235 (a) May be used only by a licensed independent adjuster,
236 licensed agent, or supervised individual operating pursuant to
237 this subsection;

238 (b) Must comply with all claims payment requirements of the
239 insurance code; and

240 (c) Must be certified as compliant with this subsection by
241 a licensed independent adjuster that is an officer of a licensed
242 business entity under this chapter.

243 (2) Notwithstanding any other provision of law, a resident
244 of Canada may not be licensed as a nonresident independent
245 adjuster for purposes of adjusting portable electronics
246 insurance or eyewear claims unless the person has successfully
247 obtained an adjuster's license in another state.

248 Section 5. This act shall take effect July 1, 2026.

The Florida Senate
APPEARANCE RECORD

772

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

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Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

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Asurion and "Jason Brodeur Fan Club" (President!)

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](https://www.flsenate.gov/legistics/2022/joint-rules). [df.flsenate.gov](https://www.flsenate.gov)

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 30, 2026

I respectfully request that **Senate Bill # 772**, relating to Limited Licenses for Portable Electronics or Eyewear Insurance, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

CC: Giovanni Betta, Staff Director
CC: Julie Brass, Committee Administrative Assistant

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/CS/SB 1294

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government, and Environment and Natural Resources Committee and Senator Bradley

SUBJECT: Biosolids Management

DATE: February 13, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1294 provides that the land application of bulk Class AA biosolids may not exceed the agronomic rate. The bill provides that, effective November 1, 2028, bulk Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited if the application cannot reasonably be expected to be taken up by a crop or vegetative cover during the relevant growing season. The bill requires land application site operators to maintain application records for five years and provides what information needs to be included. The bill directs, beginning by November 1, 2027, the University of Florida’s Institute of Food and Agricultural Sciences to publish recommended agronomic rates for bulk Class AA biosolids on a biennial basis. The bill further provides that the recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and provides a minimum framework of data for the guidance.

The bill provides that applicable inspection fees and tonnage reporting requirements required pursuant to ch. 576 F.S., apply to all Class AA biosolids fertilizer and compost products marketed or distributed for land application, including products that are not sold and products that are land applied on property owned by the biosolids generator, distributor, or applicator.

The bill provides that a biosolids fertilizer or compost product may not be marketed or distributed for bulk agricultural land application as Class AA biosolids unless the product meets all applicable labeling and registration requirements of ch. 576 F.S.

The bill provides exceptions to these restrictions if the labeling does not claim any plant nutrients or beneficial plant growth properties and when such biosolids compost products are enrolled and certified under the U.S. Composting Council Seal of Testing Assurance program.

The bill has no fiscal impact on state revenues or expenditures; however, the University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. This cost can be absorbed through existing resources. See Section V., Fiscal Impact Statement.

The bill has an effective date of November 1, 2026.

II. Present Situation:

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.¹

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids² accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.³ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.⁴ The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.⁵

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.⁶ Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application on pasture or agricultural lands.⁷ Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.⁸

¹ Department of Environmental Protection (DEP), *General facts and statistics about wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 19, 2025).

² Section 373.4595, F.S., defines biosolids as the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids. *See also* Fla. Admin. Code R. 62-640.200(6).

³ DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 19, 2025).

⁴ Fla. Admin. Code R. 62-640.200(6).

⁵ DEP, *Domestic wastewater biosolids*.

⁶ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

⁷ *See id.*

⁸ Fla. Admin. Code R. 62-640.

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.⁹ The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.¹⁰ Consistent with federal standards, treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.¹¹ Class AA biosolids can be distributed and marketed like other commercial fertilizers.¹² Such biosolids may be sold or given away.¹³ Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have to be distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance program.¹⁴

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors¹⁵ and include permit requirements for both treatment facilities and biosolids application sites.¹⁶

Land Application of Biosolids

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at the DEP-permitted site.¹⁷ This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries and by homeowners for their lawns and home gardens.¹⁸ Biosolids must be treated to at least Class B standards to be land applied.¹⁹ Permits are required for the land application of biosolids unless they have been marketed and distributed as fertilizer.²⁰

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.²¹ Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP.²² Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations

⁹ Fla. Admin. Code R. 62-640.200.

¹⁰ *Id.*; DEP, *Domestic wastewater biosolids*.

¹¹ Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.

¹² DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, <https://www.biosolidsdata.org/florida> (last visited Jan. 19, 2025); Fla. Admin. Code R. 62-640.850.

¹³ Fla. Admin. Code R. 62-640.850(2).

¹⁴ *Id.*

¹⁵ Fla. Admin. Code R. 62-640.100.

¹⁶ Fla. Admin. Code R. 62-640.300.

¹⁷ Environmental Protection Agency (EPA), *Land application of biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 19, 2025).

¹⁸ *Id.*

¹⁹ Fla. Admin. Code R. 62-640.700(2).

²⁰ Fla. Admin. Code R. 62-640.700(1) and 62-640.850.

²¹ Fla. Admin. Code R. 62-640.500.

²² *Id.*

of minerals do not exceed ceiling and cumulative concentrations determined by rule.²³ According to the St. Johns River Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.²⁴

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.²⁵ The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.²⁶

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP.²⁷ The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.²⁸ In addition, the DEP may not authorize the land application of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, or St. Lucie River watersheds unless the applicant demonstrates that the biosolids will not contribute to nutrient loadings in the applicable watershed, with a limited exception for Class AA biosolids that are marketed and distributed as fertilizer.²⁹

Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of two feet between the depth of biosolids placement and the water table level at the time of application.³⁰ Permittees must also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.³¹

Historically, about two-thirds of all biosolids produced have been land applied.³² However, between 2018 and 2024, the number of biosolids land application sites decreased from 120 to 58.³³ These reductions are expected to continue in the future.³⁴ Other disposal methods, including

²³ Fla. Admin. Code R. 62-640.700.

²⁴ V. R. Hoge et al., *Developing a biosolids database for watershed modeling efforts*, Environmental Scientist IV, St. Johns River Water Management District, *abstract available at* http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 19, 2025).

²⁵ Fla. Admin. Code R. 62-640.650.

²⁶ *Id.*

²⁷ Section 373.811(4), F.S.

²⁸ *Id.*

²⁹ Section 373.4595(3)(b)16., (4)(b)5., and (4)(d)5., F.S.

³⁰ Section 403.0855(3)(a), F.S.

³¹ Section 403.0855(3)(b), F.S.

³² DEP, *Biosolids in Florida*, 5 (2019), available at <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf>.

³³ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 5 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

³⁴ *Id.*

distribution and marketing of Class AA biosolids products and landfilling, are increasing.³⁵ Florida Class AA and Class B biosolids are also marketed and distributed out of state.³⁶

United States Composting Council’s Seal of Testing Assurance Program

Formed in 1990, the United States Composting Council (USCC) is a national nonprofit organization focused on the development and support of the composting and organics recycling industry in the United States.³⁷ The USCC provides training, education, and certification for compost facility operators, administers compost testing certification programs, and engages in state and federal lobbying and advocacy.³⁸

The USCC’s Seal of Testing Assurance Program is a national compost testing, labeling, and information disclosure program that uses standardized analytical methods and laboratory oversight to certify and provide data on compost products.³⁹ To obtain Seal of Testing Assurance certification, a compost manufacturer and its products must satisfy the following requirements:

- Meet the USCC’s definition of compost.⁴⁰
- Comply with all applicable federal, state, and local regulations and permitting requirements. Immediately inform the USCC if an issue arises.
- Conduct product testing through approved laboratories.
- Test products at frequencies determined by the annual wet tonnage of finished compost produced and provide test results to the USCC.
- Provide customers with Seal of Testing Assurance Compost Technical Data Sheets, including information on feedstocks and instructions for use.
- Meet the Environmental Protection Agency’s testing limits for heavy metals and pathogens.
- Execute a Seal of Testing Assurance Certified Compost rules contract.
- Pay annual program fees.
- Renew program participation contracts and pay associated fees annually for each certified product.⁴¹

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that the land application of bulk Class AA biosolids fertilizer and compost products may not exceed the appropriate agronomic rate. The bill provides that land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate must be managed so that

³⁵ *Id.* at 6.

³⁶ Email from DEP On File with Senate Committee on Environment and Natural Resources.

³⁷ See generally USCC, *About Us*, <https://www.compostingcouncil.org/page/AboutUs> (last visited Jan. 21, 2026).

³⁸ *Id.*

³⁹ See USCC, *STA Certified Compost*, <https://www.compostingcouncil.org/page/CompostManufacturersSTA> (last visited Jan. 19, 2026); USCC, *STA Requirements*, <https://www.compostingcouncil.org/page/STA-Requirements> (last visited Jan. 19, 2026).

⁴⁰ USCC defines compost as “a product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilizes the carbon, such that it is beneficial to plant growth. Compost is typically used as a soil amendment but may also contribute plant nutrients.” USCC, *Definition of Compost*, <https://www.compostingcouncil.org/page/CompostDefinition> (last visited Jan. 19, 2026).

⁴¹ USCC, *STA Requirements*, <https://www.compostingcouncil.org/page/STA-Requirements> (last visited Jan. 19, 2026).

the beneficial reuse, rather than biosolids disposal, is the primary objective. The bill clarifies that the term “agronomic rate” means the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida Institute of Food and Agriculture Sciences.

The bill provides that bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited, and violations shall be subject to ch. 403 F.S. The bill clarifies that the term “disposal” means the bulk land application of biosolids, including any application exceeding the agronomic rate, where, considering the manner and circumstances of the application, the nutrients applied cannot reasonably be expected to be taken up by a crop or vegetation cover during the relevant growing season, and the application results in the discard of biosolids on the land application site.

Application records must be maintained by the land application site operator for at least five years. The bill requires the records be available to the DEP upon request and must include the following:

- The classification and characteristics of the biosolids applied;
- The physical address of the land application site;
- The quantity of biosolids transported to the land application site and received by the owner or operator of the land application site;
- The date on which such biosolids were received by the owner or operator;
- The name of the person or entity responsible for the transportation of the biosolids;
- The quantity of biosolids applied;
- The name of the person or entity responsible for the physical application of the biosolids;

The date on which land application of the biosolids occurred. The bill directs the University of Florida’s Institute of Food and Agricultural Sciences⁴² to, on a biennial basis, publish and make publicly available the recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products based on predominant application practices. The initial publication must occur by November 1, 2027. The bill requires that the recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and must include, but may not be limited to all of the following:

- The characteristics of commonly produced biosolids products relevant to nutrient availability and environmental risk, including nutrient content, nutrient release characteristics, and physical form;
- Recommended agronomic rate ranges or application approaches that account for crop type, soil conditions, environmental vulnerabilities; seasonal factors, and management practices;
- The scientific basis and degree of supporting research for recommended agronomic rates, distinguishing recommendations suitable for general application from those requiring site-specific evaluation;
- Data gaps and product types, conditions, or practices for which additional field verification or research would improve future recommendations, including identification of relevant research priorities and associated resource considerations;

⁴² The University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences. UF/IFAS, *About UF/IFAS*, <https://ifas.ufl.edu/about-us/> (last visited Jan. 21, 2026).

- Best practices for on-the-ground implementation and verification consistent with agronomic principles.

The bill provides that all applicable inspection fees and tonnage reporting requirements apply to all Class AA biosolids fertilizer and biosolids compost products marketed or distributed for land application, including such products that are not sold and products that are land applied on property owned or controlled by the biosolids generator, distributor, or applicator.

The bill provides that a biosolids fertilizer or biosolids compost product may not be marketed or distributed for bulk agricultural land application as Class AA biosolids unless the product meets all applicable labeling and registration requirements of ch. 576 F.S.

The bill provides that these restrictions do not apply to Class AA biosolids compost products when the labeling does not claim any plant nutrients or beneficial plant growth properties and when such biosolids compost products are enrolled in and certified under the U.S. Composting Council Seal of Testing Assurance program.

Section 2 provides an effective date of November 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:

Private entities may incur indeterminate costs to acquire bulk Class AA biosolids products through bona fide sales.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures; however, the University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. Public utilities may incur indeterminate costs to treat and dispose of biosolids given the additional requirements in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 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 Agriculture, Environment, and General Government on February 12, 2026:

This committee substitute:

- Requires biosolids to be applied at or below the agronomic rate;
- Clarifies that when land application becomes disposal, it is enforceable under ch. 403, Florida Statutes;
- Requires basic recordkeeping at the land application site;
- Directs IFAS to publish biennial agronomic guidance;
- Applies existing fertilizer registration, labeling, inspection fee, and tonnage reporting requirements to all Class AA biosolids marketed or distributed for bulk land application whether sold or given away; and
- Preserves an exemption for certified compost products that make no nutrient claims.

CS by Environment and Natural Resources on Jan. 27, 2026:

- Provided that the bona fide sale requirements and related exemptions are effective July 1, 2028.
- Provided that the exemption from the requirement that Class AA biosolids compost products be distributed or marketed as a soil amendment or fertilizer applies only if the labeling does not claim any plant nutrients or beneficial plant growth properties.

- Removed the reference to the federal definition of “agronomic rate.”
- Removed the provision that limited the agronomic rate requirement to applications constituting disposal.
- Removed the reference to the slow-release nature of the nutrients in biosolids-derived products.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.



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LEGISLATIVE ACTION

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

The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (7) through (12) are added to
section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

(7) (a) The land application of bulk Class AA biosolids
fertilizer and biosolids compost products may not exceed the
appropriate agronomic rate. Land application of bulk Class AA



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11 biosolids fertilizer and biosolids compost products at or below
12 the agronomic rate must be managed so that beneficial reuse,
13 rather than biosolids disposal, is the primary objective as
14 evidenced by the manner and circumstances of the application. As
15 used in this subsection, the term "agronomic rate" means the
16 nutrient application rate established using generally accepted,
17 science-based nutrient management principles, including
18 recommendations published by the University of Florida Institute
19 of Food and Agriculture Sciences, which considers plant nutrient
20 requirements; site-specific characteristics, including soil
21 conditions; characteristics of the biosolids fertilizer or
22 biosolids compost products, including nutrient release rates and
23 soil amendment functions; other nutrient inputs applied to the
24 site; and the protection of groundwater and surface water
25 resources.

26 (b) Bulk land application of biosolids, including Class AA
27 biosolids, to the extent that such bulk land application
28 constitutes disposal, is prohibited, and violations shall be
29 subject to chapter 403. As used in this subsection, the term
30 "disposal" means the bulk land application of biosolids,
31 including any application exceeding the agronomic rate, where,
32 considering the manner and circumstances of the application, the
33 nutrients applied cannot reasonably be expected to be taken up
34 by a crop or vegetative cover during the relevant growing
35 season, and the application results in the discard of biosolids
36 on the land application site.

37 (8) The owner or operator of a land application site at
38 which bulk agricultural land application of biosolids fertilizer
39 or biosolids compost products occurs shall maintain application



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40 records for at least 5 years. Such records must be made
41 available to the department upon request and must include all of
42 the following:

43 (a) The classification and characteristics of the biosolids
44 applied to the land application site.

45 (b) The physical address of the land application site.

46 (c) The quantity of biosolids transported to the land
47 application site and received by the owner or operator of the
48 land application site.

49 (d) The date on which such biosolids were received by the
50 owner or operator of the land application site.

51 (e) The name of the person or entity responsible for the
52 transportation of the biosolids to the land application site.

53 (f) The quantity of biosolids applied to the land
54 application site.

55 (g) The name of the person or entity responsible for the
56 physical application of the biosolids on the land application
57 site.

58 (h) The date on which land application of such biosolids
59 occurred.

60 (9) The University of Florida Institute of Food and
61 Agricultural Sciences shall, on a biennial basis, publish and
62 make publicly available recommended agronomic rates for the
63 beneficial reuse of bulk Class AA biosolids fertilizer and
64 biosolids compost products. The initial publication must occur
65 by November 1, 2027. The recommendations must be informed by a
66 review of the scientific literature and applicable available
67 agronomic guidance and must include, but may not be limited to,
68 all of the following:



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69 (a) The characteristics of commonly produced biosolids
70 products relevant to nutrient availability and environmental
71 risk, including nutrient content, nutrient release
72 characteristics, and physical form.

73 (b) Recommended agronomic rate ranges or application
74 approaches that account for crop type, soil conditions,
75 environmental vulnerabilities, seasonal factors, and management
76 practices.

77 (c) The scientific basis and degree of supporting research
78 for recommended agronomic rates, distinguishing recommendations
79 suitable for general application from those requiring site-
80 specific evaluation.

81 (d) Data gaps and product types, conditions, or practices
82 for which additional field verification or research would
83 improve future recommendations, including identification of
84 relevant research priorities and associated resource
85 considerations.

86 (e) Best practices for on-the-ground implementation and
87 verification consistent with agronomic principles.

88 (10) Applicable inspection fees and tonnage reporting
89 requirements required pursuant to chapter 576 apply to all Class
90 AA biosolids fertilizer and biosolids compost products marketed
91 or distributed for land application, including such products
92 that are not sold and products that are land applied on property
93 owned or controlled by the biosolids generator, distributor, or
94 applicator.

95 (11) A biosolids fertilizer product or biosolids compost
96 product may not be marketed or distributed for bulk agricultural
97 land application as Class AA biosolids unless the product meets



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98 all applicable labeling and registration requirements of chapter
99 576.

100 (12) Subsections (10) and (11) do not apply to Class AA
101 biosolids compost products when the labeling does not claim any
102 plant nutrients or beneficial plant growth properties, as
103 defined in s. 576.011(14), and when such biosolids compost
104 products are enrolled in and certified under the U.S. Composting
105 Council Seal of Testing Assurance program.

106 Section 2. This act shall take effect November 1, 2026.

107
108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete everything before the enacting clause
111 and insert:

112 A bill to be entitled
113 An act relating to biosolids management; amending s.
114 403.0855, F.S.; prohibiting the land application of
115 bulk Class AA biosolids fertilizer and compost
116 products from exceeding the appropriate agronomic
117 rate; providing requirements for the management of the
118 land application of bulk Class AA biosolids fertilizer
119 and biosolids compost products at or below the
120 agronomic rate; defining the term "agronomic rate";
121 prohibiting the bulk land application of biosolids
122 when such bulk application constitutes disposal;
123 defining the term "disposal"; requiring the owner or
124 operator of certain land application sites to maintain
125 application records for a specified timeframe and make
126 such records available to the Department of



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127 Environmental Protection upon request; providing
128 requirements for such records; requiring the
129 University of Florida Institute of Food and
130 Agricultural Sciences to, on a specified basis and
131 beginning on a specified date, publish and make
132 publicly available recommended agronomic rates for the
133 reuse of bulk Class AA biosolids fertilizer and
134 compost products; providing requirements for such
135 recommendations; providing applicability for specified
136 inspection fees and tonnage reporting; prohibiting
137 biosolids fertilizer products or biosolids compost
138 products from being marketed or distributed for bulk
139 land application as Class AA biosolids unless
140 specified labeling and registration requirements are
141 met; providing applicability; providing an effective
142 date.

By the Committee on Environment and Natural Resources; and
Senator Bradley

592-02262-26

20261294c1

1 A bill to be entitled
2 An act relating to biosolids management; amending s.
3 403.0855, F.S.; prohibiting the land application of
4 bulk Class AA biosolids fertilizer and compost
5 products from exceeding the appropriate agronomic
6 rate; requiring the land application site operator to
7 maintain application records; requiring the University
8 of Florida's Institute of Food and Agricultural
9 Sciences to publish and make publicly available
10 recommended agronomic rates for the reuse of bulk
11 Class AA biosolids fertilizer and compost products,
12 based on certain criteria; authorizing bulk Class AA
13 biosolids or biosolids products to be distributed or
14 marketed as fertilizer and land applied if specified
15 requirements are met; defining the term "bona fide
16 sale"; authorizing bulk Class AA biosolids compost
17 products to be distributed or marketed as soil
18 amendments and land applied if specified requirements
19 are met; providing that class AA biosolids compose
20 products are not required to be distributed or
21 marketed as a fertilizer or soil amendment under
22 certain circumstances; requiring that certain bulk
23 Class AA biosolids compost and fertilizer products be
24 land applied only at land application sites approved
25 by the Department of Environmental Protection;
26 providing applicability; requiring that certain bulk
27 Class AA products that are land applied on certain
28 lands meet certain requirements before land
29 application; providing applicability; providing

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

592-02262-26

20261294c1

30 effective dates.
31
32 Be It Enacted by the Legislature of the State of Florida:
33
34 Section 1. Subsections (7) and (8) are added to section
35 403.0855, Florida Statutes, to read:
36 403.0855 Biosolids management.—
37 (7) The land application of bulk Class AA biosolids
38 fertilizer and compost products may not exceed the appropriate
39 agronomic rate. Application records must be maintained by the
40 land application site operator.
41 (8) The University of Florida's Institute of Food and
42 Agricultural Sciences shall, on a biennial basis, publish and
43 make publicly available the recommended agronomic rates for the
44 beneficial reuse of bulk Class AA biosolids fertilizer and
45 compost products based on predominant application practices.
46 Section 2. Effective July 1, 2028, subsections (9) through
47 (13) are added to section 403.0855, Florida Statutes, as amended
48 by this act, to read:
49 403.0855 Biosolids management.—
50 (9) (a) Bulk Class AA biosolids or biosolids products may be
51 distributed or marketed as fertilizer in accordance with chapter
52 576 and may be land applied if such biosolids and products are
53 transferred pursuant to a bona fide sale as fertilizer and meet
54 all applicable labeling and registration requirements.
55 (b) As used in this section, the term "bona fide sale"
56 means a sale in which monetary consideration is paid for the
57 biosolids fertilizer or biosolids compost product, and the
58 amount paid bears a reasonable relationship to the fair market

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592-02262-26

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59 value of comparable marketable fertilizer or soil-amendment
 60 products. A nominal charge, an exchange arrangement, a transfer
 61 made to offset disposal costs, or a transfer in which the
 62 biosolids treatment facility compensates the recipient does not
 63 constitute a bona fide sale. A transaction does not constitute a
 64 bona fide sale if its price, structure, or associated payments
 65 are arranged for the purpose of avoiding compliance with
 66 paragraph (a) or subsection (10).

67 (10) (a) Bulk Class AA biosolids compost products may be
 68 distributed or marketed as soil amendments in accordance with
 69 chapter 576 and may be land applied if such products are
 70 transferred pursuant to a bona fide sale and meet all applicable
 71 labeling and registration requirements.

72 (b) Class AA biosolids compost products, if their labeling
 73 does not claim any plant nutrients or beneficial plant growth
 74 properties, are not required to be distributed or marketed as a
 75 fertilizer or a soil amendment, as those terms are defined in s.
 76 576.011, if the Class AA biosolids compost products are enrolled
 77 and certified under the U.S. Composting Council's Seal of
 78 Testing Assurance program.

79 (11) Bulk Class AA biosolids compost and fertilizer
 80 products that are not distributed, marketed, or sold through a
 81 bona fide sale as a fertilizer or soil amendment may be land
 82 applied only at land application sites expressly approved by the
 83 Department of Environmental Protection. This subsection does not
 84 apply to Class AA biosolids compost products enrolled and
 85 certified under the U.S. Composting Council's Seal of Testing
 86 Assurance program.

87 (12) The requirement for a bona fide sale does not apply to

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592-02262-26

20261294c1

88 biosolids treatment facilities that own or control the land
 89 where the bulk Class AA biosolids compost and fertilizer
 90 products are being land applied; however, bulk Class AA
 91 biosolids products that are land applied on land owned or
 92 controlled by a biosolids treatment facility must still meet all
 93 applicable registration and labeling requirements before land
 94 application.

95 (13) Subsections (9), (10), and (11) do not apply to sales
 96 or exchanges between importers, manufacturers, or licensees
 97 under s. 576.141.

98 Section 3. Except as otherwise expressly provided in this
 99 act, this act shall take effect July 1, 2026.

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The Florida Senate

APPEARANCE RECORD

2/12/26

Meeting Date

1294

Bill Number or Topic

Ag, Envt, Gen Govt Approps

Committee

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

419922

Amendment Barcode (if applicable)

Name David Childs

Phone 850 9431494

Address 463 East Park Ave

Email david@belliedpartners.com

Street

Tallahassee

City

FL

State

32301

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:

F.W.E.A. Utility Council

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.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher
Education, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Criminal Justice
Ethics and Elections
Fiscal Policy
Rules

JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight,
Alternating Chair

SENATOR JENNIFER BRADLEY

6th District

January 28, 2026

Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General Government
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Brodeur:

I respectfully request that CS/SB 1294 be placed on the committee's agenda at your earliest convenience. This bill relates to the management of biosolids.

Thank you for your consideration and please reach out if I can provide additional information or if you have questions about this legislation.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Giovanni Betta, Staff Director
Julie Brass, Committee Administrative Assistant

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1474

INTRODUCER: Environment and Natural Resources Committee and Senator Gaetz

SUBJECT: Biosolids Management

DATE: February 11, 2026 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1474 prohibits the Department of Environmental Protection from issuing or renewing a permit for a land application site which authorizes the disposal or land application of septage as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 50 miles from a proposed Class B biosolids land application site;
- Owned or operated by the federal government or a federal agency, a state government body or agency, or a political subdivision of this state; and
- Not defunct, used for other purposes, or out of capacity.

The bill has no fiscal impact on state expenditures or revenue. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental

Protection (DEP). Florida has approximately 2,000 permitted domestic wastewater treatment facilities.¹

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids² accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.³ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.⁴ The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.⁵

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.⁶ Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application on pasture or agricultural lands.⁷ Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.⁸

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.⁹ The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.¹⁰ Consistent with federal standards, treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.¹¹

Class AA biosolids can be distributed and marketed like other commercial fertilizers.¹² Such biosolids may be sold or given away.¹³ Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have to be distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance program.¹⁴

¹ Department of Environmental Protection (DEP), *General facts and statistics about wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Jan. 19, 2025).

² Section 373.4595, F.S., defines biosolids as the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids. *See also* Fla. Admin. Code R. 62-640.200(6).

³ DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Jan. 19, 2025).

⁴ Fla. Admin. Code R. 62-640.200(6).

⁵ DEP, *Domestic wastewater biosolids*.

⁶ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

⁷ *See id.*

⁸ Fla. Admin. Code R. 62-640.

⁹ Fla. Admin. Code R. 62-640.200.

¹⁰ *Id.*; DEP, *Domestic wastewater biosolids*.

¹¹ Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.

¹² DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, <https://www.biosolidsdata.org/florida> (last visited Jan. 19, 2025); Fla. Admin. Code R. 62-640.850.

¹³ Fla. Admin. Code R. 62-640.850(2).

¹⁴ *Id.*

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors¹⁵ and include permit requirements for both treatment facilities and biosolids application sites.¹⁶

Land Application of Biosolids

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a the DEP-permitted site.¹⁷ This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries and by homeowners for their lawns and home gardens.¹⁸ Biosolids must be treated to at least Class B standards to be land applied.¹⁹ Permits are required for the land application of biosolids unless they have been marketed and distributed as fertilizer.²⁰

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.²¹ Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP.²² Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.²³ According to the St. Johns Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.²⁴

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.²⁵ The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.²⁶

¹⁵ Fla. Admin. Code R. 62-640.100.

¹⁶ Fla. Admin. Code R. 62-640.300.

¹⁷ Environmental Protection Agency (EPA), *Land application of biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 19, 2025).

¹⁸ *Id.*

¹⁹ Fla. Admin. Code R. 62-640.700(2).

²⁰ Fla. Admin. Code R. 62-640.700(1) and 62-640.850.

²¹ Fla. Admin. Code R. 62-640.500.

²² *Id.*

²³ Fla. Admin. Code R. 62-640.700.

²⁴ V. R. Hoge et al., *Developing a biosolids database for watershed modeling efforts*, Environmental Scientist IV, St. Johns River Water Management District, *abstract available at* http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 19, 2025).

²⁵ Fla. Admin. Code R. 62-640.650.

²⁶ *Id.*

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP.²⁷ The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.²⁸ In addition, the DEP may not authorize the land application of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, or St. Lucie River watersheds unless the applicant demonstrates that the biosolids will not contribute to nutrient loadings in the applicable watershed, with a limited exception for Class AA biosolids that are marketed and distributed as fertilizer.²⁹

Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of two feet between the depth of biosolids placement and the water table level at the time of application.³⁰ Permittees must also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.³¹

Historically, about two-thirds of all biosolids produced have been land applied.³² However, between 2018 and 2024, the number of biosolids land application sites decreased from 120 to 58.³³ These reductions are expected to continue in the future.³⁴ Other disposal methods, including distribution and marketing of Class AA biosolids products and landfilling, are increasing.³⁵ Florida Class AA and Class B biosolids are also marketed and distributed out of state.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that the DEP may not issue or renew a permit for a land application site which authorizes disposal or land application of septage, as defined by rule 62-640.200(43) of the Florida Administrative Code,³⁷ as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 50 miles from a proposed Class B biosolids land application site;
- Owned or operated by the Federal Government or a federal agency, a state government body or agency, or a political subdivision of this state; and

²⁷ Section 373.811(4), F.S.

²⁸ *Id.*

²⁹ Section 373.4595(3)(b)16., (4)(b)5., and (4)(d)5., F.S.

³⁰ Section 403.0855(3)(a), F.S.

³¹ Section 403.0855(3)(b), F.S.

³² DEP, *Biosolids in Florida*, 5 (2019), available at <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf>.

³³ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 5 (Dec. 9, 2025), available at <https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981>.

³⁴ *Id.*

³⁵ *Id.* at 6.

³⁶ Email from DEP on file with Senate Committee on Environment and Natural Resources.

³⁷ This rule defines “septage” as a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors. Fla. Admin. Code R. 62-640.200(43).

- Not defunct, used for other purposes, or out of capacity.

Section 2 provides an effective date of 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 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 Environment and Natural Resources on Jan. 27, 2026:

Clarified that the prohibition applies to the land application of septage as defined in rule 62-640.200(43) of the Florida Administrative Code.

- 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 the Committee on Environment and Natural Resources; and
Senator Gaetz

592-02263-26

20261474c1

1 A bill to be entitled
2 An act relating to biosolids management; amending s.
3 403.0855, F.S.; prohibiting the Department of
4 Environmental Protection from issuing or renewing a
5 permit for certain biosolids land application sites if
6 there is a permitted wastewater treatment facility
7 that accepts septage for higher levels of treatment
8 and which meets specified requirements; providing an
9 effective date.

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

12
13 Section 1. Present subsection (6) of section 403.0855,
14 Florida Statutes, is redesignated as subsection (7), and a new
15 subsection (6) is added to that section, to read:

16 403.0855 Biosolids management.—

17 (6) The department may not issue or renew a permit for a
18 land application site which authorizes disposal or land
19 application of septage, as defined in rule 62-640.200(43),
20 Florida Administrative Code, as Class B biosolids if there is a
21 permitted wastewater treatment facility that accepts septage for
22 higher levels of treatment which is:

23 (a) Less than 50 miles from a proposed Class B biosolids
24 land application site;

25 (b) Owned or operated by the Federal Government or a
26 federal agency, a state government body or agency, or a
27 political subdivision of this state; and

28 (c) Not defunct, used for other purposes, or out of
29 capacity.

Page 1 of 2

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592-02263-26

20261474c1

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

Page 2 of 2

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The Florida Senate

Committee Agenda Request

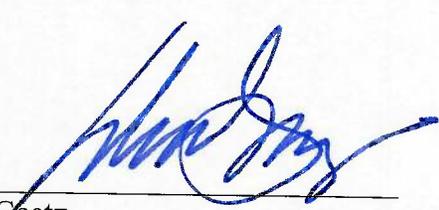
To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 26, 2026

I respectfully request that **Senate Bill #1474**, relating to Biosolids Management, be placed on the:

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



Senator Don Gaetz
Florida Senate, District 1

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1504

INTRODUCER: Banking and Insurance Committee and Senator Calatayud

SUBJECT: Insurance Customer Representative Licensing Qualifications

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knudson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

F

I. Summary:

CS/SB 1504 creates an alternative to the requirement under current law that a customer representative licensee must, within four years of applying for licensure, have either earned a degree from an accredited institution of higher learning that included at least nine credit hours of insurance instruction or have earned one of various specified insurance-related designations issued by specified entities. The bill provides that an insurance customer representative licensee may instead have earned a diploma from a Florida high school which includes one-half credit hour in insurance and personal finance. The high school diploma must have been earned within four years preceding the date an application for licensure as a customer representative is filed with the Department of Financial Services (DFS).

The bill requires the Department of Education (DOE), in consultation with the DFS, to develop a 0.5 credit course in insurance and personal finance which is available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations provided under s. 626.7351(3), F.S., for licensure as an insurance customer representative.

The bill does not impact state revenues or expenditures. See Section V., Fiscal Impact Statement.

The effective date of the bill is January 1, 2027.

II. Present Situation:

Licensure of Insurance Agents and Agencies by the Department of Financial Services

The Florida Insurance Code provides that “no person may be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the department and appointed by an appropriate appointing entity or person.” The DFS issues licenses for general lines agents, life and health insurance agents, title insurance agents, and bail bond agents. The general lines agent license has the broadest scope of the foregoing, as general lines agents are defined in statute as an agent that transacts one or more of the following: property insurance, casualty insurance, surety insurance, health insurance, or marine insurance. The DFS also licenses insurance agencies¹, which are the business locations (other than the business location of an insurer or adjuster) that house the activities of licensed insurance agents.²

Insurance Customer Representatives

A customer representative is defined under the Florida Licensing Procedures Law as an individual appointed by a general lines agent or agency to assist that agent or agency in transacting the business of insurance from the office of the agent or agency.³ A customer representative may take insurance applications, give quotes, interpret policies, explain procedures, give insurance advice, solicit new customers at the agent’s office or by phone from that office, and bind new or additional coverages.⁴ A customer representative must work under the direct supervision of a licensed and appointed Florida resident general lines agent. All business transacted by a customer representative under his or her license must be in the name of the agent or agency by which he or she is appointed, and the agent or agency is responsible for all acts of the customer representative within the scope of such appointment.⁵

A customer representative may be employed by only one agent or agency and the agency must appoint one designated agent within the agency who will supervise the work of the applicant and his or her conduct in the insurance business.⁶ A customer representative must be a salaried employee of the agent or agency and the customer representative’s salary may not be primarily based on commissions, the production of applications, insurance, or premiums. A customer representative may not transact insurance outside of the office of his or her supervising agent or agency.⁷ A customer representative must be housed wholly and completely within the actual confines of the office of the agent or agency whom he or she represents.⁸ A customer representative may not be employed from any location except where an agent licensed to write such lines spends his or her full time in charge of such location.

¹ Section 626.172, F.S.

² Section 626.015(10), F.S.

³ Section 626.015(6), F.S.

⁴ Department of Financial Services, *Insurance Agent and Agency Services Compliance Information: General Lines Agents and Customer Representatives – Customer Representative Authority*, <https://myfloridacfo.com/division/agents/compliance/general-lines-agents-customer-reps> (last visited February 3, 2026).

⁵ Section 626.7354(5), F.S.

⁶ Section 626.7351(5), F.S.

⁷ Section 626.7354(4), F.S.

⁸ Section 626.7352, F.S.

Customer Representative Licensure

A customer representative must be currently licensed by the DFS and appointed by an appropriate appointing entity or person.⁹ The customer representative's license is limited to the kinds of insurance for which the agent or agency by which he or she is employed is licensed and cannot include life insurance or any kind.¹⁰ To obtain licensure from the DFS as a customer representative, a prospective licensee must apply for licensure with the DFS, meet the requirements for licensure, and pay all applicable fees.¹¹

The license of a customer representative must cover all classes of insurance that his or her appointing general lines agent or agency is currently authorized to transact.¹²

Section 626.7351, F.S., sets forth the following mandatory requirements for licensure as a customer representative:

- The applicant for licensure must be found by the DFS to be trustworthy and competent to hold licensure and be a natural person at least 18 years of age.
- The applicant must be either a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state and will actually reside in the state at least six months out of the year¹³, or a resident of another state sharing a common boundary with this state and has been employed in this state for a period of not less than six months by a Florida resident general lines agent licensed and appointed under this chapter.
- The applicant must meet all requirements in ch. 626, F.S., for licensure as a customer representative.
- The applicant will be employed by only one agent or agency and the agency must appoint one designated agent within the agency who will supervise the work of the applicant, and the applicant will spend all of his or her business time in the employment of the agent or agency and will be domiciled in the office of the appointing agent or agency.
- The applicant must satisfy an educational requirement within four years preceding applying for licensure. The education requirement is satisfied if the applicant earned a degree from an accredited institution of higher learning approved by the DFS that includes at least nine credit hours of insurance instruction including specific instruction in property, casualty, and inland marine insurance, or if the applicant has earned one of various designations related to being an insurance professional which are set forth in statute.¹⁴

⁹ Section 626.112, F.S.

¹⁰ Section 626.7354(2), F.S.

¹¹ Section 626.171, F.S.

¹² Section 626.311, F.S.

¹³ An individual who is a bona fide resident of this state shall be deemed to meet the residence requirements of this subsection, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of the other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing. *See s. 627.7351(2)(a)*, F.S.

¹⁴ Section 627.7351(3), F.S. The designations specified in statute are the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative (CPSR) from the National Foundation for

- A customer representative licensee may not be a licensed agent or licensed service representative¹⁵.

Florida Requirements for a Standard High School Diploma

Receipt of a standard high school diploma in Florida requires successful completion of 24 credits, which must include:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or career and technical education;
- One credit in physical education;
- Seven and one-half credits in electives; and
- One-half credit in personal financial literacy.¹⁶

The credit requirement for personal financial literacy was established through the Dorothy L. Hukill Financial Literacy Act (Hukill Act), which requires that, beginning with students entering grade nine in the 2023-2024 school year, students must earn one-half credit in personal financial literacy and money management in order to receive a standard high school diploma.¹⁷ The purpose of the Hukill Act is to better prepare young people in Florida for adulthood by providing them with the requisite knowledge to achieve financial stability and independence. The one-half credit in personal financial literacy and money management must include discussion of or instruction in all the following:

- Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.
- Balancing a checkbook.
- Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- Completing a loan application.
- Receiving an inheritance and related implications.
- Basic principles of personal insurance policies.
- Computing federal income taxes.
- Local tax assessments.

CPSR; the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Chartered Customer Service Representative (CCSR) from American Insurance College; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject.

¹⁵ Section 626.015(19), F.S., defines a "service representative" as an individual employed by an insurer or managing general agent for the purpose of assisting a general lines agent in negotiating and effecting insurance contracts (other than life insurance) when accompanied by a licensed general lines agent.

¹⁶ Section 1003.4282, F.S.

¹⁷ Chapter 2022-17, Laws of Florida.

- Computing interest rates by various mechanisms.
- Simple contracts.
- Contesting an incorrect billing statement.
- Types of savings and investments.
- State and federal laws concerning finance.
- Costs of postsecondary education, including cost of attendance, completion of the Free Application for Federal Student Aid, scholarships and grants, and student loans.

High School Elective Courses

Florida law requires school districts to develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a Science, Technology, Engineering, and Mathematics (STEM) or liberal arts focus.¹⁸ Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

III. Effect of Proposed Changes:

Section 1 amends s. 626.7351, F.S., which sets forth the requirements the DFS must follow when granting or issuing a license as a customer representative. Current law requires that a customer representative licensee must have within four years of applying for licensure either earned a degree from an accredited institution of higher learning that included at least nine credit hours in certain insurance-related instruction or have earned one of various specified insurance-related designations issued by certain entities. The bill provides that an insurance customer representative licensee may instead have earned a diploma from a Florida high school which includes one-half credit hour in insurance and personal finance. The high school diploma must have been earned within four years preceding the date an application for licensure as a customer representative is filed with the Department of Financial Services.

Section 2 creates s. 1003.4207, F.S., to require that no later than January 1, 2027, the Department of Education, in consultation with the DFS, must develop a 0.5 credit course in insurance and personal finance which will be available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations for licensure as a customer representative provided under s. 626.7351(3), F.S.

Section 3 provides that the act is effective January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁸ Section 1003.4282(3)(g), F.S.

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:

Increasing opportunities for high school students to take elective courses related to insurance that meet statutory educational requirements for customer representatives, should enhance job opportunities for those students in the insurance industry and create a larger pool of potential employees for insurers and insurance agencies.

C. Government Sector Impact:

The bill has a minimal impact to state revenues or expenditures. Any costs associated with developing the insurance and personal finance course can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 626.7351 of the Florida Statutes.

This bill creates section 1003.4207 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 Banking and Insurance Committee on January 28, 2026:

- Provides that the alternative educational requirement for licensure as an insurance customer representative created by the bill is satisfied by a high school diploma that includes one-half credit hour in insurance and personal finance.
- Requires the Department of Education, in consultation with the Department of Financial Services, to develop a 0.5 credit course in insurance and personal finance which is available to school districts for use beginning with the 2027-2028 school year.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator Calatayud

597-02287-26

20261504c1

A bill to be entitled

An act relating to insurance customer representative licensing qualifications; amending s. 626.7351, F.S.; revising the qualifications for applicants for a license as an insurance customer representative; creating s. 1003.4207, F.S.; requiring the Department of Education, in consultation with the Department of Financial Services, to develop a specified insurance and personal finance course no later than a specified date; providing an effective date.

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

Section 1. Subsection (3) of section 626.7351, Florida Statutes, is amended to read:

626.7351 Qualifications for customer representative's license.—The department shall not grant or issue a license as customer representative to any individual found by it to be untrustworthy or incompetent, or who does not meet each of the following qualifications:

(3) Within 4 years preceding the date that the application for license was filed with the department, the applicant has earned the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative (CPSR) from the National Foundation for CPSR; the designation of

Page 1 of 3

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20261504c1

Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Chartered Customer Service Representative (CCSR) from American Insurance College; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject; a diploma from a Florida high school in which the applicant completed the insurance and personal finance course provided in s. 1003.4207; or a degree from an accredited institution of higher learning approved by the department when the degree includes a minimum of 9 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, and inland marine insurance. The department shall adopt rules establishing standards for the approval of curriculum.

Section 2. Section 1003.4207, Florida Statutes, is created to read:

1003.4207 Insurance and personal finance course.—No later than January 1, 2027, the Department of Education, in consultation with the Department of Financial Services, shall develop a 0.5 credit course in insurance and personal finance

Page 2 of 3

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597-02287-26

20261504c1

59 which is available to school districts for use beginning with
60 the 2027-2028 school year. The course must include a
61 comprehensive analysis of basic property and casualty lines of
62 insurance consistent with the instructional designations
63 provided under s. 626.7351(3).

64 Section 3. This act shall take effect January 1, 2027.

The Florida Senate

APPEARANCE RECORD

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

Feb 12

Meeting Date

1504

Bill Number or Topic

AG APPROP S

Committee

Amendment Barcode (if applicable)

Name

TIM MEENAN

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Email

tim@meenanlawfirm.com

Street

Tallahassee

City

FL

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:

National Association of Insurance and Financial Advisors

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.

2/12/16

Meeting Date

The Florida Senate APPEARANCE RECORD

1504

Bill Number or Topic

Approp. Ag. Environment, Gen. Government
Committee

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

Amendment Barcode (if applicable)

Name BG Murphy

Phone 850-893-4155

Address 319S Shamrock St. S.
Street

Email bmurphy@faia.com

Tallahassee FL 32312
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 Association of Insurance Agents

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Feb 12

Meeting Date

1504

Bill Number or Topic

AG APPROP S

Committee

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

Amendment Barcode (if applicable)

Name

TIM MEENAN

Phone

850 425-4000

Address

300 S. WAL ST

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tim@meenanlawfirm.com

Street

Tallahassee

City

FL

State

32312

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

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The Florida Senate APPEARANCE RECORD

1504

Bill Number or Topic

Approp. Ag. Environment, Gen. Government
Committee

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Amendment Barcode (if applicable)

Name BG Murphy

Phone 850-893-4155

Address 319S Shamrock St. S.
Street

Email bmurphy@faia.com

Tallahassee FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

Florida Association of Insurance Agents

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S-001 (08/10/2021)

2/12/16

Meeting Date

The Florida Senate
APPEARANCE RECORD

1504

Bill Number or Topic

Approp. Ag. Environment, Gen. Government
Committee

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Amendment Barcode (if applicable)

Name BG Murphy

Phone 850-893-4155

Address 3198 Shamrock St. S.
Street

Email bmurphy@faia.com

Tallahassee FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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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 Association of Insurance Agents

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

APPEARANCE RECORD

2/12/26

Meeting Date

1504

Bill Number or Topic

Appropriations committee on Agri. , envi...
Committee

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

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

Tallahassee
City

FL
State

32301
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:

Americans for prosperity

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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Feb 12

Meeting Date

1504

Bill Number or Topic

AG APPROP

Committee

Amendment Barcode (if applicable)

Name

TIM MEENAN

Phone

850 425-4000

Address

300 S. WAL ST

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Street

Tallahassee

City

FL

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:

National Association of Insurance and Financial Advisors

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

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 29, 2026

I respectfully request that **Senate Bill #1504**, relating to Insurance Customer Representative Licensing Qualifications, be placed on the:

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

A handwritten signature in cursive script that reads "Alexis Calatayud".

Senator Alexis Calatayud
Florida Senate, District 38

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 Appropriations Committee on Agriculture, Environment, and General
Government

BILL: SB 1708

INTRODUCER: Senator Gaetz

SUBJECT: Veterinary Licensure

DATE: February 11, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1708 changes the licensure by endorsement process for applicants seeking to be licensed in Florida as a veterinarian by removing the requirement that the applicant has held a valid and active license to practice veterinary medicine in another jurisdiction for the three years immediately preceding the application for licensure.

The bill also clarifies that an applicant must be in good standing in their current jurisdiction to be granted a licensure by endorsement.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Practice of Veterinary Medicine

The Board of Veterinary Medicine (board) within the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practices to protect public health and safety.¹

¹ Section 474.201, F.S.

A “veterinarian” is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida² and they are subject to disciplinary action from the board for various violations of the practice act.³

The practice of “veterinary medicine” is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁴

Veterinary medicine includes, with respect to animals, all of the following:

- Surgery.
- Acupuncture.
- Obstetrics.
- Dentistry.
- Physical therapy.
- Radiology.
- Theriogenology (reproductive medicine).
- Other branches or specialties of veterinary medicine.⁵

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.⁶ Each person to whom a veterinary license or premises permit is issued must conspicuously display such document in her or his office, place of business, or place of employment in a permanent or mobile veterinary establishment or clinic.⁷

By virtue of accepting a license to practice veterinary medicine in Florida, a veterinarian consents to:

- Render a handwriting sample to an agent of the DBPR and, further, to have waived any objections to its use as evidence against her or him.
- Waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the DBPR has reason to believe that a violation of this chapter has occurred and when the DBPR issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint.⁸

² Section 474.202(11), F.S.

³ Sections 474.213 and 474.214, F.S.

⁴ Section 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

⁵ Section 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁶ Section 474.215(1), F.S.

⁷ Section 474.216, F.S.

⁸ Section 474.2185, F.S.

For Fiscal Year 2023-2024, there were 13,392 actively licensed veterinarians in Florida. The DBPR received 611 complaints, which resulted in 44 disciplinary actions.⁹

Exemptions

Ten categories of persons are exempt from complying with ch. 474, F.S.:

- Faculty veterinarians with assigned teaching duties at accredited¹⁰ institutions.
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training.
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹¹ (if the preceptorship is required for graduation from an accredited institution).
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged.
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.
- Certain entities or persons¹² that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.

⁹ Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2023-2024*, <https://www2.myfloridalicense.com/os/documents/Division%20Annual%20Report%20FY%2023-24.pdf>, (last visited January 22, 2026).

¹⁰ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. *See* <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (last visited January 22, 2026). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. *See* <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited January 22, 2026). In turn, the CHEA, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. *See* <http://chea.org/about> (last visited January 22, 2026).

¹¹ A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See* <https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary> (last visited January 22, 2026).

¹² *See* s. 474.203(6), F.S., which states that the exemption applies to “[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof”

- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision of a licensed veterinarian.
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the board and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.¹³
- Paramedics or emergency medical technicians providing emergency medical care to a police canine¹⁴ injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility.¹⁵

Licensure by Endorsement

Licensure by endorsement is the most common alternative to licensure by examination in Florida. Licensure by endorsement is an expedited licensure process which allows an applicant to become licensed in Florida based upon holding a substantially equivalent professional license from another state. Under current Florida law, the DBPR is required to issue a license by endorsement to applicants who meet specific requirements demonstrating their qualifications in other jurisdictions.¹⁶ The board is responsible for determining if the applicant has demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida.¹⁷

The applicant must either:

- Hold, and has held for the *three years immediately preceding* the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board¹⁸; or
- Have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign

¹³ Section 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

¹⁴ Section 401.254, F.S., defines the term “police canine” as “any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.” A paramedic or an emergency medical technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

¹⁵ Section 474.203, F.S.

¹⁶ Section 474.217(1), F.S.

¹⁷ *Id.*

¹⁸ Section 474.217(b)(1), F.S.

Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence; and

- Have successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the DBPR and passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.¹⁹

The DBPR is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated.²⁰

III. Effect of Proposed Changes:

The bill amends s. 474.217, F.S., to remove the requirement that an applicant for a veterinarian license by endorsement must hold an active veterinarian license in another jurisdiction for the three years immediately preceding the application for licensure.

The bill also adds to the requirements for licensure by endorsement that the applicant be in "good standing" with the jurisdiction where the applicant's current license is active. This would allow applicants who have been granted licensure in other jurisdictions and who have had their license for less than three years to apply for a license by endorsement.

The bill provides an effective date of 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.

¹⁹ Section 474.217(b)(2), F.S.

²⁰ Section 474.217(2), F.S.

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

None.

B. Private Sector Impact:

The bill may allow additional veterinarians to be eligible to practice in Florida, which may increase access to veterinary care for animal owners and patients.

C. Government Sector Impact:

The DBPR provided the requirements of the bill will have an estimated little to no impact on the department. Therefore, the bill will have no fiscal impact on state expenditures.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.217 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.

²¹ Email from the DBPR (dated January 28, 2026), on file with the with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

By Senator Gaetz

1-00917-26

20261708__

1 A bill to be entitled
 2 An act relating to veterinary licensure; amending s.
 3 474.217, F.S.; deleting the requirement for an
 4 applicant for licensure by endorsement to have held a
 5 valid active license to practice veterinary medicine
 6 in another state, the District of Columbia, or a
 7 territory of the United States for a specified amount
 8 of time; requiring applicants to hold a valid, active
 9 license in good standing to practice veterinary
 10 medicine in another state, the District of Columbia,
 11 or a territory of the United States; reenacting s.
 12 474.2125(1), F.S., related to temporary license to
 13 provide veterinary services, to incorporate the
 14 amendment made to s. 474.217, F.S., in a reference
 15 thereto; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (1) of section 474.217, Florida
 20 Statutes, is amended to read:

21 474.217 Licensure by endorsement.—

22 (1) The department shall issue a license by endorsement to
 23 any applicant who, upon applying to the department and remitting
 24 a fee set by the board, demonstrates to the board that she or
 25 he:

26 (a) Has demonstrated, in a manner designated by rule of the
 27 board, knowledge of the laws and rules governing the practice of
 28 veterinary medicine in this state; and

29 (b)1. Holds, ~~and has held for the 3 years immediately~~

Page 1 of 3

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

1-00917-26

20261708__

30 ~~preceding the application for licensure,~~ a valid, active license
 31 in good standing to practice veterinary medicine in another
 32 state of the United States, the District of Columbia, or a
 33 territory of the United States, provided that the applicant has
 34 successfully completed a state, regional, national, or other
 35 examination that is equivalent to or more stringent than the
 36 examination required by the board; or

37 2. Meets the qualifications of s. 474.207(2)(b) and has
 38 successfully completed a state, regional, national, or other
 39 examination which is equivalent to or more stringent than the
 40 examination given by the department and has passed the board's
 41 clinical competency examination or another clinical competency
 42 examination specified by rule of the board.

43 Section 2. For the purpose of incorporating the amendment
 44 made by this act to section 474.217, Florida Statutes, in a
 45 reference thereto, subsection (1) of section 474.2125, Florida
 46 Statutes, is reenacted to read:

47 474.2125 Temporary license.—

48 (1) The board shall adopt rules providing for the issuance
 49 of a temporary license to a licensed veterinarian of another
 50 state for the purpose of enabling her or him to provide
 51 veterinary medical services in this state for the animals of a
 52 specific owner or, as may be needed in an emergency as defined
 53 in s. 252.34(4), for the animals of multiple owners, provided
 54 the applicant would qualify for licensure by endorsement under
 55 s. 474.217. No temporary license shall be valid for more than 30
 56 days after its issuance, and no license shall cover more than
 57 the treatment of the animals of one owner except in an emergency
 58 as defined in s. 252.34(4). After the expiration of 30 days, a

Page 2 of 3

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

1-00917-26

20261708__

59 new license is required.

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

The Florida Senate

APPEARANCE RECORD

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

2/12/26

Meeting Date

SB 1708

Bill Number or Topic

APPs, Ag ENV, g.g.

Committee

Amendment Barcode (if applicable)

Name JENNIFER HOBGOOD

Phone 850 445 5245

Address 3548 CANGROVE RD

Email jenhobgood@aspc.org

TALL.

City

FL

State

32303

Zip

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:

ASPCA

[] 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

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1708

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Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

Tallahassee
City

FL
State

32301
Zip

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S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: January 26, 2026

I respectfully request that **Senate Bill #1708**, relating to Veterinary Licensure, be placed on the:

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



Senator Don Gaetz
Florida Senate, District 1



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Agriculture,
Environment, and General Government, *Vice Chair*
Appropriations
Education Postsecondary
Education Pre-K - 12
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LORI BERMAN

Democratic Leader
26th District

MEMORANDUM

To: Senator Brodeur
From: Senator Berman
Subject: Excusal Letter
Date: February 12, 2026

Dear Chair Brodeur,

Please excuse my absence from this afternoon's Appropriations Committee on Agriculture, Environment, and General Government Committee meeting. Please let me know if you have any questions.

All the best,

A handwritten signature in cursive script that reads "Lori Berman" followed by a horizontal line.

REPLY TO:

- 2300 High Ridge Road, Suite 161, Boynton Beach, Florida 33426 (561) 292-6014 FAX: (888) 284-6491
- 228 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.:

Type:

Caption: Senate Appropriations Committee on Agriculture, Environment and General Government

Judge:

Started: 2/12/2026 4:31:10 PM

Ends: 2/12/2026 4:58:12 PM

Length: 00:27:03

4:31:12 PM Call to Order
4:32:00 PM Senator Brodeur (Chair)
4:33:13 PM S 1474
4:33:46 PM Senator Gaetz
4:34:46 PM S 1708
4:34:48 PM Senator Gaetz
4:35:30 PM Jennifer Hobgood - ASPCA (waives in support)
4:35:33 PM Daniel Martinez - Americans for Prosperity (waives in support)
4:36:18 PM S 204
4:36:20 PM Senator Bradley
4:37:16 PM Am. 364546
4:38:13 PM Senator Massullo
4:38:42 PM Sen. Bradley
4:40:17 PM Brandon McCaffrey, Deputy Director Florida Gaming Commission (waives in support)
4:40:18 PM Jeff Reed - Florida Moose Lodge (waives in support)
4:40:28 PM Jerry Monk - Florida Moose (waives in support)
4:40:43 PM Jonathan Zackem - AMOAF
4:43:36 PM Sen. Bradley
4:44:39 PM S 1294
4:44:39 PM Am. 419922
4:44:41 PM Sen. Bradley
4:46:37 PM Senator Truenow
4:46:47 PM Sen. Bradley
4:47:37 PM Sen. Truenow
4:47:42 PM Sen. Bradley
4:47:55 PM Sen. Truenow
4:48:03 PM Sen. Bradley
4:48:06 PM Sen. Truenow
4:48:13 PM Sen. Bradley
4:48:34 PM Sen. Truenow
4:48:42 PM Sen. Bradley
4:49:06 PM David Childs F.W.E.A. Utlity Council (waives in support)
4:49:22 PM Sen. Bradley
4:49:41 PM Sen. Truemow
4:50:32 PM Sen. Bradley
4:52:07 PM S 772
4:52:15 PM Senator Burgess
4:52:35 PM Tim Meenan - Asurion
4:52:45 PM Sen. Burgess
4:53:21 PM S 1504
4:53:38 PM Senator Calatayud
4:54:09 PM Tim Meenan - National Association of Insurance and Financial Advisors (waives in support)
4:54:15 PM BG Murphy - Florida Association of Insurance Agents (waives in support)
4:54:20 PM Daniel Martinez - Americans for Prosperity (waives in support)
4:55:01 PM S 540
4:55:23 PM Am. 704244
4:56:22 PM Senator Martin
4:56:39 PM Ash Mason - Office on Financial Regulation (waives in support)
4:56:42 PM Josh Aubuchon - American Financial Services Association (waives in support)
4:56:48 PM Christopher Hodge - Florida Credit Union Association (waives in support)
4:57:02 PM Sen. Martin
4:57:35 PM Senator McClain

4:57:43 PM

Senator Truenow

4:58:03 PM

Meeting Adjourned