

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Sachs offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 41-66 and insert:

5 Section 3. Section 501.0117, Florida Statutes, is amended  
6 to read:

7 501.0117 Credit cards; debit cards; transactions in which  
8 seller or lessor prohibited from imposing surcharge; penalty.-

9 (1) A seller or lessor in a sales or lease transaction may  
10 not impose a surcharge on the buyer or lessee for electing to  
11 use a credit card or a debit card in lieu of payment by cash,  
12 check, or similar means, if the seller or lessor accepts payment  
13 by credit card or debit card. A surcharge is any additional  
14 amount imposed at the time of a sale or lease transaction by the  
15 seller or lessor that increases the charge to the buyer or  
16 lessee for the privilege of using a credit card or debit card to

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17 make payment. Charges imposed pursuant to approved state or  
18 federal tariffs are not considered to be a surcharge, and  
19 charges made under such tariffs are exempt from this section. A  
20 convenience fee imposed upon a student or family paying tuition,  
21 fees, or other student account charges by credit card or debit  
22 card to a William L. Boyd, IV, Florida resident access grant  
23 eligible institution, as defined in s. 1009.89, is not  
24 considered to be a surcharge and is exempt from this section if  
25 the amount of the convenience fee does not exceed the total cost  
26 charged by the credit card or debit card company to the  
27 institution. The term "credit card" includes those cards for  
28 which unpaid balances are payable on demand. The term "debit  
29 card" means a card, code, or other device, other than a check,  
30 draft, or similar paper instrument, by the use of which a person  
31 may order, instruct, or authorize a financial institution to  
32 debit a demand deposit, savings deposit, or other asset account.  
33 The term "debit card" includes a prepaid card or other means of  
34 access to prepaid funds that may be used to initiate electronic  
35 funds transfers and may be used without unique identifying  
36 information such as a personal identification number to initiate  
37 access to prepaid funds. This section does not apply to the  
38 offering of a discount for the purpose of inducing payment by  
39 cash, check, or other means not involving the use of a credit  
40 card or a debit card, if the discount is offered to all  
41 prospective customers.

42 (2) A person who violates ~~the provisions of~~ subsection (1)  
43 commits is guilty of a misdemeanor of the second degree,  
44 punishable as provided in s. 775.082 or s. 775.083.

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**T I T L E   A M E N D M E N T**

Remove lines 10-14 and insert:

government; amending s. 501.0117, F.S.; prohibiting a seller or  
lessor from imposing a surcharge for the use of a debit card  
under certain circumstances; providing that a convenience fee  
imposed on a student or family making payment by credit card or  
debit card to certain postsecondary institutions is not  
considered a surcharge for purposes of certain restrictions;  
defining the term "debit card"; providing a penalty; providing  
an effective date.