



648060

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Commerce and Tourism (Hutson) recommended the following:

**Senate Amendment**

Delete lines 26 - 105

and insert:

(b) "Authorization" means the process through which a merchant requests approval for an electronic payment transaction from the issuer.

(c) "Clearance" means the process of transmitting final transaction data from a merchant to an issuer for posting to the cardholder's account and the calculation of fees and charges,



648060

11 including interchange fees, which apply to the issuer and  
12 merchant.

13 (d) "Credit card" means a card, plate, coupon book, or  
14 other credit device existing for the purpose of obtaining money,  
15 property, labor, or services on credit.

16 (e) "Debit card":

17 1. Means a card, or other payment code or device, issued or  
18 approved for use through a payment card network to debit an  
19 asset account, regardless of the purpose for which the account  
20 is established, whether authorization is based on a signature, a  
21 personal identification number, or other means;

22 2. Includes a general-use prepaid card, as defined in 15  
23 U.S.C. s. 16931-1; and

24 3. Excludes paper checks.

25 (f) "Electronic payment transaction" means a transaction in  
26 which a person uses a debit card, credit card, or other payment  
27 code or device issued or approved through a payment card network  
28 to debit a deposit account or use a line of credit, whether  
29 authorization is based on a signature, a personal identification  
30 number, or other means.

31 (g) "Interchange fee" means a fee established, charged, or  
32 received by a payment card network for the purpose of  
33 compensating the issuer for its involvement in an electronic  
34 payment transaction.

35 (h) "Issuer" means a person issuing a debit card or credit  
36 card or the issuer's agent.

37 (i) "Merchant" has the same meaning as the term "dealer" in  
38 s. 212.06(2).

39 (j) "Payment card network" means an entity:



648060

40 1. That directly or through licensed members, processors,  
41 or agents provides the proprietary services, infrastructure, and  
42 software that route information and data to conduct electronic  
43 payment transaction authorization, clearance, and settlement;  
44 and

45 2. That a merchant uses to accept as a form of payment a  
46 brand of debit card, credit card, or other device that may be  
47 used to carry out electronic payment transactions.

48 (k) "Processor" means an entity that facilitates, services,  
49 processes, or manages the debit or credit authorization,  
50 billing, transfer, payment procedures, or settlement with  
51 respect to any electronic payment transaction.

52 (l) "Settlement" means the process of transmitting sales  
53 information to the issuing bank for collection and reimbursement  
54 of funds to the merchant and calculating and reporting the net  
55 transaction amount to the issuer and merchant for an electronic  
56 payment transaction that is cleared.

57 (m) "Tax" means all taxes and fees levied under chapter 212  
58 and s. 125.0104.

59 (n) "Tax documentation" means documentation sufficient for  
60 the payment card network to determine the total amount of the  
61 electronic payment transaction and the tax amount of such  
62 transaction. Tax documentation may be related to a single  
63 electronic payment transaction or multiple electronic payment  
64 transactions aggregated over a period of time. Examples of tax  
65 documentation include, but are not limited to, invoices,  
66 receipts, journals, ledgers, and tax returns filed with the  
67 Department of Revenue or local taxing authorities.

68 (2) This section does not apply to an electronic payment



648060

69 transaction in which the tax amount is not separately stated on  
70 the consumer's payment invoice, sales slip, or other evidence of  
71 sale as required under s. 212.07(2).

72 (3) Except as provided in subsection (2), an issuer, a  
73 payment card network, an acquirer bank, or a processor may not  
74 receive or charge the merchant any interchange fees on the tax  
75 amount of an electronic payment transaction if the merchant  
76 informs the acquirer bank or its designee of such tax amount as  
77 part of the authorization process for the electronic payment  
78 transaction. A merchant must transmit the tax amount data as  
79 part of the authorization process to avoid being charged  
80 interchange fees on the tax amount of an electronic payment  
81 transaction.

82 (4) A merchant that does not transmit the tax amount data  
83 in accordance with subsection (3) may submit tax documentation  
84 for the electronic payment transaction to the acquirer bank or  
85 its designee no later than 180 days