



863646

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2023	.	
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The Committee on Rules (Hutson) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 93 - 117

and insert:

(3) This section does not create liability for a payment card network regarding the accuracy of the tax data reported by the merchant.

(4) Except as provided in subsection (2), an issuer, a payment card network, an acquirer bank, or a processor may not receive or charge the merchant any interchange fees on the tax amount of an electronic payment transaction if the merchant



12 informs the acquirer bank or its designee of such tax amount as
13 part of the authorization or settlement process for the
14 electronic payment transaction. A merchant must transmit the tax
15 amount data as part of the authorization or settlement process
16 to avoid being charged interchange fees on the tax amount of an
17 electronic payment transaction.

18 (5) A merchant that does not transmit the tax amount data
19 in accordance with subsection (4) may submit tax documentation
20 for the electronic payment transaction to the acquirer bank or
21 its designee no later than 180 days after the date of the
22 electronic payment transaction, and within 30 days, the issuer
23 must credit to the merchant the amount of interchange fees
24 charged on the tax amount of the electronic payment transaction.

25 (6) An issuer, a payment card network, an acquirer bank, a
26 processor, or other designated entity that has received the tax
27 amount data and violates this section is subject to a civil
28 penalty of \$1,000 per electronic payment transaction, and the
29 issuer must refund the merchant the interchange fee calculated
30 on the tax amount relative to the electronic payment
31 transaction.

32 (7) An entity, other than the merchant, involved in
33 facilitating or processing an electronic payment transaction,
34 including, but not limited to, an issuer, a payment card
35 network, an acquirer bank, a processor, or other designated
36 entity, may not distribute, exchange, transfer, disseminate, or
37 use the electronic payment transaction data except to facilitate
38 or process the electronic payment transaction or as required by
39 law. A violation of this subsection constitutes a violation of
40 the Florida Deceptive and Unfair Trade Practices Act under part



863646

41 II of this chapter. Notwithstanding s. 501.211, a violation of
42 this subsection must be enforced only by the enforcing authority
43 as defined in s. 501.203(2) and subjects the violator to the
44 sanctions and penalties provided for in part II of this chapter.
45 If such action is successful, the enforcing authority is
46 entitled to reasonable attorney fees and costs.

47 Section 2. The Office of Economic and Demographic Research
48 (EDR) shall submit a report to the President of the Senate and
49 the Speaker of the House of Representatives by January 9, 2024,
50 containing findings of any policy options related to the
51 implementation of prohibiting interchange fees on taxes. The
52 report must address the impacts of the legislation, including,
53 but not limited to, technological, financial, and economic
54 impacts on merchants, processors, payment card networks,
55 acquiring banks, and issuers. EDR may contract with a public or
56 private institution of higher learning or a nationally
57 recognized organization or entity with experience in performing
58 this type of evaluation for the sole purpose of developing some
59 or all of the underlying analysis and findings to be included in
60 the report.

61 Section 3. Except as otherwise expressly provided in this
62 act, this act shall take effect upon becoming a law.

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64 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

65 And the directory clause is amended as follows:

66 Delete line 17

67 and insert:

68 Section 1. Effective October 1, 2024, section 501.0119,
69 Florida Statutes, is created



863646

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

And the title is amended as follows:

Delete line 13

and insert:

prohibiting specified actions relating to electronic
payment transaction data by certain entities;
specifying penalties and the enforcing authority for
such violations; authorizing the enforcing authority
to recover reasonable attorney fees and costs;
providing construction; requiring the Office of
Economic and Demographic Research (EDR) to submit a
certain report to the Legislature by a specified date;
authorizing EDR to contract with certain entities for
a specified purpose; providing effective dates.