

1 A bill to be entitled
2 An act relating to electronic payment processing fees
3 for motor vehicle purchases; creating s. 520.105,
4 F.S.; defining the terms "ACH payment" and "electronic
5 payment"; authorizing holders of retail installment
6 contracts and their agents to collect fees for
7 processing electronic payments made by motor vehicle
8 retail buyers under certain circumstances; providing
9 an effective date.

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

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13 **Section 1. Section 520.105, Florida Statutes, is created**
14 **to read:**

15 520.105 Convenience fee for processing electronic
16 payments.—

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

18 (a) "ACH payment" means a payment via an automated
19 clearinghouse electronic transfer from a retail buyer's bank
20 account.

21 (b) "Electronic payment" means a payment made by credit
22 card, debit card, electronic funds transfer, electronic check,
23 or other electronic method.

24 (2) A holder of a retail installment contract, or its
25 agent, may collect a fee for processing a retail buyer's

26 electronic payment under the retail installment contract,
27 provided that all of the following conditions are met:

28 (a) The fee is reasonably related to the actual expense
29 incurred by the holder, or its agent, in processing the
30 electronic payment.

31 (b) The fee does not exceed the lesser of \$10 or 3 percent
32 of the amount of the payment.

33 (c) The holder, or its agent, does all of the following:

34 1. Allows the retail buyer to make a payment by a method
35 other than the method that incurs a fee.

36 2. Maintains an option for a retail buyer to make an ACH
37 payment without collecting a fee.

38 3. Does not establish electronic payment as the expected
39 form of payment.

40 4. Before the retail buyer agrees to make a payment by a
41 method that incurs a fee, discloses all of the following:

42 a. The amount of the fee to be charged under this section.

43 b. The retail buyer's option to make a payment by an
44 alternative method that does not incur a fee, including by cash,
45 check, money order, or ACH payment.

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