

By Senator Diaz de la Portilla

36-01323-12

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1 A bill to be entitled
2 An act relating to credit card surcharges; amending s.
3 125.01, F.S.; conforming provisions to changes made by
4 the act; creating ss. 125.01035 and 166.0433, F.S.;
5 prohibiting counties and municipalities from
6 prohibiting the owners or operators of certain
7 passenger vehicles for hire from imposing credit card
8 surcharges on passenger fares; amending s. 501.0117,
9 F.S.; exempting certain passenger vehicle fares from
10 the prohibition on the imposition of credit card
11 surcharges; conforming provisions; providing an
12 effective date.

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

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16 Section 1. Paragraph (n) of subsection (1) of section
17 125.01, Florida Statutes, is amended to read:

18 125.01 Powers and duties.—

19 (1) The legislative and governing body of a county shall
20 have the power to carry on county government. To the extent not
21 inconsistent with general or special law, this power includes,
22 but is not restricted to, the power to:

23 (n) Except as provided in s. 125.01035, license and
24 regulate taxis, jitneys, limousines for hire, rental cars, and
25 other passenger vehicles for hire that operate in the
26 unincorporated areas of the county; except that any
27 constitutional charter county as defined in s. 125.011(1) shall
28 on July 1, 1988, have been authorized to have issued a number of
29 permits to operate taxis which is no less than the ratio of one

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30 permit for each 1,000 residents of said county, and any such new
31 permits issued after June 4, 1988, shall be issued by lottery
32 among individuals with such experience as a taxi driver as the
33 county may determine.

34 Section 2. Section 125.01035, Florida Statutes, is created
35 to read:

36 125.01035 Passenger vehicles for hire; credit card
37 surcharges.-A county may not prohibit the owner or operator of a
38 taxicab, limousine, jitney, or other passenger vehicle for hire
39 from imposing a surcharge on a passenger who elects to pay the
40 passenger fare using a credit card in lieu of payment by cash,
41 check, or similar means.

42 Section 3. Section 166.0433, Florida Statutes, is created
43 to read:

44 166.0433 Passenger vehicles for hire; credit card
45 surcharges.-A municipality may not prohibit the owner or
46 operator of a taxicab, limousine, jitney, or other passenger
47 vehicle for hire from imposing a surcharge on a passenger who
48 elects to pay the passenger fare using a credit card in lieu of
49 payment by cash, check, or similar means.

50 Section 4. Section 501.0117, Florida Statutes, is amended
51 to read:

52 501.0117 Credit cards; transactions in which seller or
53 lessor prohibited from imposing surcharge; penalty.-

54 (1) A seller or lessor in a sales or lease transaction may
55 not impose a surcharge on the buyer or lessee for electing to
56 use a credit card in lieu of payment by cash, check, or similar
57 means, if the seller or lessor accepts payment by credit card. A
58 surcharge is any additional amount imposed at the time of a sale

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59 or lease transaction by the seller or lessor that increases the
60 charge to the buyer or lessee for the privilege of using a
61 credit card to make payment. As used in this section, the term
62 "credit card" includes those cards for which unpaid balances are
63 payable on demand.

64 (2) (a) Charges imposed pursuant to approved state or
65 federal tariffs are not considered to be a surcharge, and
66 charges made under such tariffs are exempt from this section.

67 (b) A convenience fee imposed upon a student or family
68 paying tuition, fees, or other student account charges by credit
69 card to a William L. Boyd, IV, Florida resident access grant
70 eligible institution, as defined in s. 1009.89, is not
71 considered to be a surcharge and is exempt from this section if
72 the amount of the convenience fee does not exceed the total cost
73 charged by the credit card company to the institution. ~~The term~~
74 ~~"credit card" includes those cards for which unpaid balances are~~
75 ~~payable on demand.~~

76 (c) This section does not apply to the offering of a
77 discount for the purpose of inducing payment by cash, check, or
78 other means not involving the use of a credit card, if the
79 discount is offered to all prospective customers.

80 (d) This section does not apply to passenger fares for a
81 taxicab, limousine, jitney, or other passenger vehicle for hire.

82 (3) (2) A person who violates this section commits the
83 ~~provisions of subsection (1) is guilty of~~ a misdemeanor of the
84 second degree, punishable as provided in s. 775.082 or s.
85 775.083.

86 Section 5. This act shall take effect July 1, 2012.