

By Representative Jones

1 A bill to be entitled
2 An act relating to fiscal matters of
3 government; authorizing entities of state or
4 local government to accept a credit card,
5 charge card, or debit card in payment of any
6 amount due the entity; providing guidelines and
7 conditions on such acceptance; authorizing
8 agreements with card issuers; authorizing
9 certain fees, discounts, and surcharges;
10 providing for rules; providing continuing duty
11 of payors; providing an effective date.

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

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15 Section 1. (1) Notwithstanding any other provision of
16 law, any governmental entity in this state, and any officer,
17 agent, or employee of the entity, which is required or
18 authorized to receive or collect any payment to the
19 governmental entity may, but is not required to, accept the
20 payment by use of a credit card, charge card, or debit card.

21 (2) This section shall be broadly construed to
22 authorize, but not require, acceptance of payment by credit
23 card, charge card, or debit card for all amounts payable,
24 including, but not limited to, payment of taxes, license fees,
25 registration fees, fines, and penalties.

26 (3) The decision as to whether payment by credit card,
27 charge card, or debit card will be accepted shall be made by
28 the officer or collegial body having discretionary authority
29 over the manner of acceptance of such payments. If payments by
30 credit card, charge card, or debit card are authorized, the
31 officer or collegial body making that decision may adopt rules

1 governing the manner of the acceptance. However, a credit
2 card, charge card, or debit card may not be accepted for
3 payment of ad valorem taxes without the formal agreement of
4 the governing body of the political subdivision on behalf of
5 which such taxes are collected, nor may such a card be
6 accepted for payment of any state tax without formal approval
7 by the Governor.

8 (4) The officer or collegial body that approves the
9 acceptance of credit cards, charge cards, or debit cards may
10 enter into agreements with issuers of such cards which are
11 necessary to facilitate their acceptance. Such agreements may
12 include, but are not limited to, provisions relating to
13 acceptance of payments at a discount from their face value and
14 withholding of administrative fees from the face amount of the
15 payments. Discounts and withholding administrative fees may
16 be authorized when the officer or collegial body authorizing
17 the acceptance of payment by credit card, charge card, or
18 debit card determines that the best interest of the
19 governmental entity will be served by accepting payment in
20 such fashion, notwithstanding the reduction in receipts
21 resulting from the discount or loss of fees. Factors that may
22 be considered in making the determination include improvement
23 in government cash flow, reduction of government overhead, and
24 improved governmental financial security. Any such agreement
25 must contain a provision for its cancellation at any time by
26 the officer or collegial body entering into it, but may
27 include a provision of a reasonable, brief period of notice
28 before the cancellation takes effect.

29 (5) An officer or collegial body authorizing accepting
30 payment by credit card, charge card, or debit card may impose
31 a surcharge upon the person making the payment when that is

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1 authorized by federal law and the operating rules of the
2 company issuing the card. A surcharge is not refundable to
3 the payor.

4 (6) A person making a payment by credit card, charge
5 card, or debit card is not relieved from liability on the
6 person's underlying obligation, except to the extent that the
7 governmental entity receives final payment from the company
8 issuing the card. If final payment is not made by the card
9 issuer or any guarantor of payment by the issuer, the
10 underlying obligation survives and the governmental entity
11 retains all remedies for enforcement of the obligation as if
12 the card transaction had not occurred. This section may not
13 be modified by contract. However, the obligor is not liable
14 for any discount or administrative fee paid or allowed to the
15 card issuer by the governmental entity.

16 (7) An officer or an employee or agent of an officer
17 or governmental entity that accepts payment by credit card,
18 charge card, or debit card who accepts payment in accordance
19 with this section and any rules adopted under this section
20 does not incur any personal liability for payment of the
21 underlying obligation for which the payment was made.

22 Section 2. This act shall take effect July 1, 1997.
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SENATE SUMMARY

Provides that a unit of state or local government may accept payment for any moneys due it by credit card, charge card, or debit card. Provides conditions and guidelines with respect to the acceptance of such cards. Provides that the underlying obligor of any charge paid by card is not discharged from liability for payment, except to the extent of payment to the governmental entity by the company issuing the card. Authorizes governmental entities determining to accept payment by card to enter agreements with card issuers under which discounts and fees may be paid to the issuers and under which the entity may impose a surcharge on the payor, if that is permitted by federal law and the card issuer. Provides that there is no personal liability on the part of an officer, employee, or agent lawfully accepting payment by credit card, charge card, or debit card.

CODING:Words ~~stricken~~ are deletions; words underlined are additions.