

By Senator Clary

4-1154A-03

1 A bill to be entitled
2 An act relating to credit card transactions;
3 amending s. 501.0117, F.S.; permitting the
4 imposition of a surcharge or fee for a credit
5 card transaction that occurs over the phone or
6 the Internet; providing an effective date.

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

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10 Section 1. Subsection (1) of section 501.0117, Florida
11 Statutes, is amended to read:

12 501.0117 Credit cards; transactions in which seller or
13 lessor prohibited from imposing surcharge; penalty.--

14 (1) A seller or lessor in a sales or lease transaction
15 may not impose a surcharge on the buyer or lessee for electing
16 to use a credit card in lieu of payment by cash, check, or
17 similar means, if the seller or lessor accepts payment by
18 credit card. A surcharge is any additional amount imposed at
19 the time of a sale or lease transaction by the seller or
20 lessor that increases the charge to the buyer or lessee for
21 the privilege of using a credit card to make payment. Charges
22 imposed pursuant to approved state or federal tariffs are not
23 considered to be a surcharge, and charges made under such
24 tariffs are exempt from this section. The term "credit card"
25 includes those cards for which unpaid balances are payable on
26 demand. This section does not apply to the offering of a
27 discount for the purpose of inducing payment by cash, check,
28 or other means not involving the use of a credit card, if the
29 discount is offered to all prospective customers. This
30 subsection does not apply if the transaction is consummated
31 telephonically or over the Internet.

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Section 2. This act shall take effect July 1, 2003.

SENATE SUMMARY

Permitting the imposition of a surcharge or fee for a credit card transaction that occurs over the phone or the Internet.