

A bill to be entitled

An act relating to automated teller machine transactions; amending s. 655.966, F.S.; prohibiting machine owners or operators from imposing certain fees or surcharges without disclosing the fee or surcharge to the customer; providing certain agreement prohibitions relating to machine access fees or surcharges; providing construction relating to certain fee-free or surcharge-free network agreements; providing an effective date.

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

Section 1. Section 655.966, Florida Statutes, is amended to read:

655.966 Automated teller machine; surcharge disclosure---

(1) The operator or owner of an automated teller machine in this state may not charge any access fee or surcharge upon a customer for the usage of that machine regardless of whether the customer is using an access device issued by that operator or owner unless that fee or surcharge is clearly disclosed to the customer electronically on the automated teller machine. Unless the disclosure is made prior to the customer's being obligated to pay the fee or surcharge, the customer shall be provided an opportunity to cancel that transaction without incurring any access fee or surcharge.

(2)(a) Subject to the requirements of subsection (1), an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator or

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29 owner of an automated teller machine, as defined in s.
30 655.960(3), to ~~may~~ charge an access fee or surcharge, not
31 otherwise prohibited under state or federal law, to a customer
32 conducting a transaction using an account from a financial
33 institution, as defined in s. 655.005(1)(h), which is located
34 outside of the United States.

35 (b) Notwithstanding paragraph (a), nothing in this section
36 shall be construed to prohibit or otherwise limit the ability of
37 an operator or owner of an automated teller machine to
38 voluntarily enter into an agreement regarding participation in
39 an access fee-free or surcharge-free network.

40 Section 2. This act shall take effect July 1, 2007.