

By Senator Alexander

17-815-07

See HB 249

1 A bill to be entitled

2 An act relating to automated teller machine

3 transactions; amending s. 655.966, F.S.;

4 prohibiting machine owners or operators from

5 imposing certain fees or surcharges without

6 disclosing the fee or surcharge to the

7 customer; providing certain agreement

8 prohibitions relating to machine access fees or

9 surcharges; providing construction relating to

10 certain fee-free or surcharge-free network

11 agreements; 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. Section 655.966, Florida Statutes, is

16 amended to read:

17 655.966 Automated teller machine; surcharge

18 disclosure.--

19 (1) The operator or owner of an automated teller

20 machine in this state may not charge any access fee or

21 surcharge upon a customer for the usage of that machine

22 regardless of whether the customer is using an access device

23 issued by that operator or owner unless that fee or surcharge

24 is clearly disclosed to the customer electronically on the

25 automated teller machine. Unless the disclosure is made prior

26 to the customer's being obligated to pay the fee or surcharge,

27 the customer shall be provided an opportunity to cancel that

28 transaction without incurring any access fee or surcharge.

29 (2)(a) Subject to the requirements of subsection (1),

30 an agreement to operate or share an automated teller machine

31 may not prohibit, limit, or restrict the right of the operator

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

1 or owner of an automated teller machine, as defined in s.
2 655.960(3), ~~to may~~ charge an access fee or surcharge, not
3 otherwise prohibited under state or federal law, to a customer
4 conducting a transaction using an account from a financial
5 institution, as defined in s. 655.005(1)(h), which is located
6 outside of the United States.

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

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