

By the Committee on Banking and Insurance; and Senator Alexander

597-2329-07

1 A bill to be entitled

2 An act relating to automated teller machine

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

4 authorizing machine owners or operators to

5 impose access fees or surcharges for machine

6 use; providing fee or surcharge disclosure

7 requirements; providing certain agreement

8 prohibitions relating to machine access fees or

9 surcharges; providing for construction relating

10 to 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 charge an access fee or surcharge to

21 a customer for the use of that machine. The fee or surcharge

22 must be disclosed in compliance with 12 C.F.R., part 205, as

23 amended.

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

25 an agreement to operate or share an automated teller machine

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

27 or owner of an automated teller machine, as defined in s.

28 655.960(3), to ~~may~~ charge an access fee or surcharge, not

29 otherwise prohibited under state or federal law, to a customer

30 conducting a transaction using an account from a financial

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1 institution, as defined in s. 655.005(1)(h), which is located
2 outside of the United States.

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

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 744

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13 The committee substitute revises fee and surcharge disclosure
14 requirements for ATM's to be consistent with federal
15 regulatory requirements.

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