

By Senator Alexander

17-02618-08

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1 A bill to be entitled

2 An act relating to automated teller machine transactions;  
3 amending s. 655.966, F.S.; authorizing machine owners or  
4 operators to impose access fees or surcharges for machine  
5 use; providing fee or surcharge disclosure requirements;  
6 providing certain agreement prohibitions relating to  
7 machine access fees or surcharges; providing construction  
8 relating to certain fee-free or surcharge-free network  
9 agreements; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 655.966, Florida Statutes, is amended to  
14 read:

15 655.966 Automated teller machine; surcharge disclosure.--

16 (1) The operator or owner of an automated teller machine in  
17 this state may charge an access fee or surcharge to a customer  
18 for the use of that machine. The fee or surcharge must be  
19 disclosed in compliance with 12 C.F.R., part 205, as amended.

20 (2) (a) Subject to the requirements of subsection (1), an  
21 agreement to operate or share an automated teller machine may not  
22 prohibit, limit, or restrict the right of the operator or owner  
23 of an automated teller machine, as defined in s. 655.960(3), to  
24 may charge an access fee or surcharge, not otherwise prohibited  
25 under state or federal law, to a customer conducting a  
26 transaction using an account from a financial institution, as  
27 defined in s. 655.005(1) (h), which is located outside of the  
28 United States.

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29        (b) Notwithstanding paragraph (a), this section does not  
30 prohibit or otherwise limit the ability of an operator or owner  
31 of an automated teller machine to voluntarily enter into an  
32 agreement regarding participation in an access fee-free or  
33 surcharge-free network.

34        Section 2. This act shall take effect July 1, 2008.