



695602

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/PD/2R

.

04/29/2010 09:38 AM

.

.

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete lines 18 - 34

and insert:

Section 1. Section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards and debit cards; transactions in which seller or lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card or debit card in lieu of payment by cash,



695602

14 check, or similar means, if the seller or lessor accepts payment
15 by credit card or debit card. A surcharge is any additional
16 amount imposed at the time of a sale or lease transaction by the
17 seller or lessor that increases the charge to the buyer or
18 lessee for the privilege of using a credit card or debit card to
19 make payment. Charges imposed pursuant to approved state or
20 federal tariffs are not considered to be a surcharge, and
21 charges made under such tariffs are exempt from this section.
22 The term "credit card" includes those cards for which unpaid
23 balances are payable on demand. The term "debit card" means a
24 card, code, or other device, other than a check, draft, or
25 similar paper instrument, by the use of which a person may
26 order, instruct, or authorize a financial institution to debit a
27 demand deposit, savings deposit, or other asset account. The
28 term "debit card" also includes a prepaid card or other means of
29 access to prepaid funds that may be used to initiate an
30 electronic funds transfer and may be used without unique
31 identifying information such as a personal identification number
32 to initiate access to prepaid funds. This section does not apply
33 to the offering of a discount for the purpose of inducing
34 payment by cash, check, or other means not involving the use of
35 a credit card or debit card, if the discount is offered to all
36 prospective customers.

37 (2) A person who violates ~~the provisions of~~ subsection (1)
38 commits is guilty of a misdemeanor of the second degree,
39 punishable as provided in s. 775.082 or s. 775.083.

40 Section 2. Subsection (8) is added to section 817.60,
41 Florida Statutes, to read:

42 817.60 Theft; obtaining credit card through fraudulent



695602

43 means.-

44 (8) UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.-A
45 person who knowingly possesses, receives, or retains custody of
46 a credit or debit card that has been taken from the possession,
47 custody, or control of another without the cardholder's consent
48 and with the intent to impede the recovery of the credit or
49 debit card by the cardholder commits unlawful possession of a
50 stolen credit or debit card and is subject to the penalties set
51 forth in s. 817.67(2). A retailer that takes, accepts, retains,
52 possesses, or processes a stolen credit card or debit card does
53 not commit a violation of this subsection if the retailer does
54 so in the ordinary course of business and the retailer does not
55 have actual knowledge that the credit card or debit card is
56 stolen; provided, this exception does not apply to a retail
57 employee who has actual knowledge that the credit card or debit
58 card is stolen.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 2 - 13

63 and insert:

64 An act relating to credit and debit card crimes;
65 amending s. 501.0117, F.S.; prohibiting a seller or
66 lessor from imposing a surcharge on debit card
67 transactions; defining the term "debit card";
68 providing nonapplicability to offers of a discount for
69 the purpose of inducing payment by cash, check, or
70 other means not involving the use of a debit card;
71 providing penalties; amending s. 817.60, F.S.;



695602

72 prohibiting possession of a stolen credit or debit
73 card in specified circumstances; providing penalties;
74 providing that a retailer who takes, accepts, retains,
75 or possesses a stolen credit or debit card without
76 knowledge that the card is stolen and who is
77 authorized to process transactions by the company
78 issuing the credit or debit card does not commit a
79 violation under certain circumstances; providing an
80 exception for certain retail employees; providing an
81 effective