

CS/CS/CS/HB 621

2010

1                   A bill to be entitled  
2           An act relating to credit and debit card crimes; amending  
3           s. 501.0117, F.S.; prohibiting a seller or lessor from  
4           imposing a surcharge on debit card transactions; defining  
5           the term "debit card"; providing nonapplicability to  
6           offers of a discount for the purpose of inducing payment  
7           by cash, check, or other means not involving the use of a  
8           debit card; providing penalties; amending s. 817.60, F.S.;  
9           prohibiting possession of a stolen credit or debit card in  
10          specified circumstances; providing penalties; providing  
11          that a retailer who takes, accepts, retains, or possesses  
12          a stolen credit or debit card without knowledge that the  
13          card is stolen and who is authorized to process  
14          transactions by the company issuing the credit or debit  
15          card does not commit a violation; providing an effective  
16          date.

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

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

22          501.0117   Credit cards and debit cards; transactions in  
23          which seller or lessor prohibited from imposing surcharge;  
24          penalty.—

25          (1)   A seller or lessor in a sales or lease transaction may  
26          not impose a surcharge on the buyer or lessee for electing to  
27          use a credit card or debit card in lieu of payment by cash,  
28          check, or similar means, if the seller or lessor accepts payment

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

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

54 | Section 2. Subsection (8) is added to section 817.60,  
55 | Florida Statutes, to read:

56 | 817.60 Theft; obtaining credit card through fraudulent

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57 | means.—

58 |       (8) UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.—

59 | A person who knowingly possesses, receives, or retains custody  
60 | of a credit or debit card that has been taken from the  
61 | possession, custody, or control of another without the  
62 | cardholder's consent and with the intent to impede the recovery  
63 | of the credit or debit card by the cardholder commits unlawful  
64 | possession of a stolen credit or debit card and is subject to  
65 | the penalties set forth in s. 817.67(2). A retailer who takes,  
66 | accepts, retains, or possesses a stolen credit or debit card  
67 | without knowledge that the card is stolen and who is authorized  
68 | to process transactions by the company issuing the credit or  
69 | debit card does not commit a violation of this subsection.

70 |       Section 3. This act shall take effect October 1, 2010.