

1 A bill to be entitled
 2 An act relating to credit card surcharges; amending s.
 3 125.01, F.S.; conforming provisions to changes made by
 4 the act; creating ss. 125.01035 and 166.0433, F.S.;
 5 prohibiting counties and municipalities from
 6 prohibiting the owners or operators of certain
 7 passenger vehicles for hire from imposing credit card
 8 surcharges on passenger fares; amending s. 501.0117,
 9 F.S.; exempting certain passenger vehicle fares from
 10 the prohibition on the imposition of credit card
 11 surcharges; conforming provisions; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (n) of subsection (1) of section
 17 125.01, Florida Statutes, is amended to read:

18 125.01 Powers and duties.—

19 (1) The legislative and governing body of a county shall
 20 have the power to carry on county government. To the extent not
 21 inconsistent with general or special law, this power includes,
 22 but is not restricted to, the power to:

23 (n) Except as provided in s. 125.01035, license and
 24 regulate taxis, jitneys, limousines for hire, rental cars, and
 25 other passenger vehicles for hire that operate in the
 26 unincorporated areas of the county; except that any
 27 constitutional charter county as defined in s. 125.011(1) shall
 28 on July 1, 1988, have been authorized to have issued a number of

HB 675

2012

29 | permits to operate taxis which is no less than the ratio of one
 30 | permit for each 1,000 residents of said county, and any such new
 31 | permits issued after June 4, 1988, shall be issued by lottery
 32 | among individuals with such experience as a taxi driver as the
 33 | county may determine.

34 | Section 2. Section 125.01035, Florida Statutes, is created
 35 | to read:

36 | 125.01035 Passenger vehicles for hire; credit card
 37 | surcharges.-A county may not prohibit the owner or operator of a
 38 | taxicab, limousine, jitney, or other passenger vehicle for hire
 39 | from imposing a surcharge on a passenger who elects to pay the
 40 | passenger fare using a credit card in lieu of payment by cash,
 41 | check, or similar means.

42 | Section 3. Section 166.0433, Florida Statutes, is created
 43 | to read:

44 | 166.0433 Passenger vehicles for hire; credit card
 45 | surcharges.-A municipality may not prohibit the owner or
 46 | operator of a taxicab, limousine, jitney, or other passenger
 47 | vehicle for hire from imposing a surcharge on a passenger who
 48 | elects to pay the passenger fare using a credit card in lieu of
 49 | payment by cash, check, or similar means.

50 | Section 4. Section 501.0117, Florida Statutes, is amended
 51 | to read:

52 | 501.0117 Credit cards; transactions in which seller or
 53 | lessor prohibited from imposing surcharge; penalty.-

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

57 means, if the seller or lessor accepts payment by credit card. A
 58 surcharge is any additional amount imposed at the time of a sale
 59 or lease transaction by the seller or lessor that increases the
 60 charge to the buyer or lessee for the privilege of using a
 61 credit card to make payment. As used in this section, the term
 62 "credit card" includes those cards for which unpaid balances are
 63 payable on demand.

64 (2) (a) Charges imposed pursuant to approved state or
 65 federal tariffs are not considered to be a surcharge, and
 66 charges made under such tariffs are exempt from this section.

67 (b) A convenience fee imposed upon a student or family
 68 paying tuition, fees, or other student account charges by credit
 69 card to a William L. Boyd, IV, Florida resident access grant
 70 eligible institution, as defined in s. 1009.89, is not
 71 considered to be a surcharge and is exempt from this section if
 72 the amount of the convenience fee does not exceed the total cost
 73 charged by the credit card company to the institution. ~~The term~~
 74 ~~"credit card" includes those cards for which unpaid balances are~~
 75 ~~payable on demand.~~

76 (c) This section does not apply to the offering of a
 77 discount for the purpose of inducing payment by cash, check, or
 78 other means not involving the use of a credit card, if the
 79 discount is offered to all prospective customers.

80 (d) This section does not apply to passenger fares for a
 81 taxicab, limousine, jitney, or other passenger vehicle for hire.

82 (3) (2) A person who violates this section commits the
 83 ~~provisions of subsection (1) is guilty of a misdemeanor of the~~
 84 second degree, punishable as provided in s. 775.082 or s.

HB 675

2012

85 | 775.083.

86 | Section 5. This act shall take effect July 1, 2012.