



103650

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2023	.	
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The Committee on Commerce and Tourism (Burgess) recommended the following:

1 **Senate Substitute for Amendment (307250) (with title**
2 **amendment)**

3
4 Delete lines 110 - 141
5 and insert:

6 (c) An entity involved in facilitating or processing a
7 payment card transaction, including, but not limited to, a
8 financial institution, an acquirer, a payment card network, or a
9 payment card issuer, may not assign to or require a merchant to
10 use a merchant category code that classifies the merchant as a



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11 firearms or ammunition retailer or places the merchant in a
12 similar classification. A merchant of firearms or ammunition may
13 be assigned or may use a merchant category code for general
14 merchandise retailers or sporting goods retailers. Any agreement
15 or contractual provision to the contrary is void in violation of
16 the public policy of this state.

17 (4) PENALTIES.—

18 (a) Any person who, or entity that, violates paragraph
19 (2) (a) a provision of this section commits a felony of the third
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 (b) Except as required by ~~the provisions of~~ s. 16, Art. I
22 of the State Constitution or the Sixth Amendment to the United
23 States Constitution, ~~no~~ public funds may not shall be used to
24 defend the unlawful conduct of any person charged with a
25 violation of this section, unless the charges against the such
26 person are dismissed or the such person is determined to be not
27 guilty at trial. Notwithstanding this paragraph, public funds
28 may be expended to provide the services of the office of public
29 defender or court-appointed conflict counsel as provided by law.

30 (c) The governmental entity, or the designee of the such
31 governmental entity, in whose service or employ a list, record,
32 or registry was compiled in violation of paragraph (2) (a) this
33 ~~section~~ may be assessed a fine of up to not more than \$5
34 million, if the court determines that the evidence shows that
35 the list, record, or registry was compiled or maintained with
36 the knowledge or complicity of the management of the
37 governmental entity. The Attorney General may bring a civil
38 cause of action to enforce the fines assessed under this
39 paragraph.



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40 (d) The Department of Agriculture and Consumer Services may
41 investigate alleged violations of paragraph (2) (b) or paragraph
42 (2) (c) and, upon finding a violation, bring an administrative
43 action seeking to impose an administrative fine pursuant to s.
44 570.971 in the Class III category for each violation of
45 paragraph (2) (b) or paragraph (2) (c) for each instance of an
46 unlawfully classified retailer.

47 (e) The state attorney in the appropriate jurisdiction
48 shall investigate complaints of criminal violations of this
49 section, except for alleged violations of paragraph (2) (b) or
50 paragraph (2) (c), and

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete line 9

55 and insert:

56 sporting goods retailers; prohibiting entities
57 involved in facilitating or processing payment card
58 transactions from assigning to or requiring a merchant
59 to use certain merchant category codes; authorizing a
60 merchant of firearms or ammunition to be assigned or
61 to use certain merchant category codes; specifying
62 that any agreement or contractual provision to the
63 contrary is void and in violation of the public policy
64 of this state; authorizing the Department