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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
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The Committee on Commerce and Tourism (Hutson) recommended the following:

Senate Amendment

Delete lines 26 - 105
and insert:

(b) "Authorization" means the process through which a merchant requests approval for an electronic payment transaction from the issuer.

(c) "Clearance" means the process of transmitting final transaction data from a merchant to an issuer for posting to the cardholder's account and the calculation of fees and charges,



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11 including interchange fees, which apply to the issuer and
12 merchant.

13 (d) "Credit card" means a card, plate, coupon book, or
14 other credit device existing for the purpose of obtaining money,
15 property, labor, or services on credit.

16 (e) "Debit card":

17 1. Means a card, or other payment code or device, issued or
18 approved for use through a payment card network to debit an
19 asset account, regardless of the purpose for which the account
20 is established, whether authorization is based on a signature, a
21 personal identification number, or other means;

22 2. Includes a general-use prepaid card, as defined in 15
23 U.S.C. s. 16931-1; and

24 3. Excludes paper checks.

25 (f) "Electronic payment transaction" means a transaction in
26 which a person uses a debit card, credit card, or other payment
27 code or device issued or approved through a payment card network
28 to debit a deposit account or use a line of credit, whether
29 authorization is based on a signature, a personal identification
30 number, or other means.

31 (g) "Interchange fee" means a fee established, charged, or
32 received by a payment card network for the purpose of
33 compensating the issuer for its involvement in an electronic
34 payment transaction.

35 (h) "Issuer" means a person issuing a debit card or credit
36 card or the issuer's agent.

37 (i) "Merchant" has the same meaning as the term "dealer" in
38 s. 212.06(2).

39 (j) "Payment card network" means an entity:



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40 1. That directly or through licensed members, processors,
41 or agents provides the proprietary services, infrastructure, and
42 software that route information and data to conduct electronic
43 payment transaction authorization, clearance, and settlement;
44 and

45 2. That a merchant uses to accept as a form of payment a
46 brand of debit card, credit card, or other device that may be
47 used to carry out electronic payment transactions.

48 (k) "Processor" means an entity that facilitates, services,
49 processes, or manages the debit or credit authorization,
50 billing, transfer, payment procedures, or settlement with
51 respect to any electronic payment transaction.

52 (l) "Settlement" means the process of transmitting sales
53 information to the issuing bank for collection and reimbursement
54 of funds to the merchant and calculating and reporting the net
55 transaction amount to the issuer and merchant for an electronic
56 payment transaction that is cleared.

57 (m) "Tax" means all taxes and fees levied under chapter 212
58 and s. 125.0104.

59 (n) "Tax documentation" means documentation sufficient for
60 the payment card network to determine the total amount of the
61 electronic payment transaction and the tax amount of such
62 transaction. Tax documentation may be related to a single
63 electronic payment transaction or multiple electronic payment
64 transactions aggregated over a period of time. Examples of tax
65 documentation include, but are not limited to, invoices,
66 receipts, journals, ledgers, and tax returns filed with the
67 Department of Revenue or local taxing authorities.

68 (2) This section does not apply to an electronic payment



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69 transaction in which the tax amount is not separately stated on
70 the consumer's payment invoice, sales slip, or other evidence of
71 sale as required under s. 212.07(2).

72 (3) Except as provided in subsection (2), an issuer, a
73 payment card network, an acquirer bank, or a processor may not
74 receive or charge the merchant any interchange fees on the tax
75 amount of an electronic payment transaction if the merchant
76 informs the acquirer bank or its designee of such tax amount as
77 part of the authorization process for the electronic payment
78 transaction. A merchant must transmit the tax amount data as
79 part of the authorization process to avoid being charged
80 interchange fees on the tax amount of an electronic payment
81 transaction.

82 (4) A merchant that does not transmit the tax amount data
83 in accordance with subsection (3) may submit tax documentation
84 for the electronic payment transaction to the acquirer bank or
85 its designee no later than 180 days