

2026838e1

1 A bill to be entitled
2 An act relating to electronic payments of retail
3 installment contracts; creating s. 520.105, F.S.;
4 defining the terms "ACH payment" and "electronic
5 payment"; authorizing holders of retail installment
6 contracts and their agents to collect fees for
7 processing electronic payments made by motor vehicle
8 retail buyers under certain circumstances; providing
9 an effective date.

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

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13 Section 1. Section 520.105, Florida Statutes, is created to
14 read:

15 520.105 Convenience fee for processing electronic
16 payments.—

17 (1) As used in this section, the term:

18 (a) "ACH payment" means a payment made by an automated
19 clearing house electronic transfer from a retail buyer's bank
20 account.

21 (b) "Electronic payment" means a payment made by credit
22 card, debit card, electronic funds transfer, electronic check,
23 or other electronic method.

24 (2) A holder of a retail installment contract, or its
25 agent, may collect a fee for processing a retail buyer's
26 electronic payment under the retail installment contract,
27 provided that all of the following conditions are met:

28 (a) The fee is reasonably related to the actual expense
29 incurred by the holder or its agent in processing the electronic

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30 payment.

31 (b) The holder or its agent does all of the following:

32 1. Allows the retail buyer to make a payment by a method
33 other than a method that incurs a fee.

34 2. Maintains an option for a retail buyer to make an ACH
35 payment without collecting a fee.

36 3. Does not establish electronic payment as the expected
37 form of payment.

38 4. Before the retail buyer agrees to make a payment by a
39 method that incurs a fee, discloses all of the following:

40 a. The amount of the fee to be charged under this section.

41 b. The retail buyer's option to make a payment by an
42 alternative method that does not incur a fee, including by cash,
43 check, money order, or ACH payment.

44 Section 2. This act shall take effect July 1, 2026.