

26 | network which contracts with a merchant for the settlement of
 27 | electronic payment transactions. An acquirer bank may contract
 28 | directly with merchants or indirectly through a processor to
 29 | process electronic payment transactions.

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

33 | (c) "Clearance" means the process of transmitting final
 34 | transaction data from a merchant to an issuer for posting to the
 35 | cardholder's account and the calculation of fees and charges,
 36 | including interchange fees, which apply to the issuer and
 37 | merchant.

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

41 | (e) "Debit card":

42 | 1. Means a card, or other payment code or device, issued
 43 | or approved for use through a payment card network to debit an
 44 | asset account, regardless of the purpose for which the account
 45 | is established, whether authorization is based on a signature, a
 46 | personal identification number, or other means;

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

49 | 3. Excludes paper checks.

50 | (f) "Electronic payment transaction" means a transaction

51 in which a person uses a debit card, credit card, or other
52 payment code or device issued or approved through a payment card
53 network to debit a deposit account or use a line of credit,
54 whether authorization is based on a signature, a personal
55 identification number, or other means.

56 (g) "Tip" means a sum of money paid in addition to the
57 payment obligation for the good or service obtained, including,
58 but not limited to, a payment for the benefit one or more
59 individuals who facilitate the provision of a good or service.

60 (h) "Interchange fee" means a fee established, charged, or
61 received by a payment card network for the purpose of
62 compensating the issuer for its involvement in an electronic
63 payment transaction.

64 (i) "Issuer" means a person issuing a debit card or credit
65 card or the issuer's agent.

66 (j) "Merchant" has the same meaning as the term "dealer"
67 in s. 212.06(2).

68 (k) "Payment card network" means an entity:

69 1. That directly or through licensed members, processors,
70 or agents provides the proprietary services, infrastructure, and
71 software that route information and data to conduct electronic
72 payment transaction authorization, clearance, and settlement;
73 and

74 2. That a merchant uses to accept as a form of payment a
75 brand of debit card, credit card, or other device that may be

76 used to carry out electronic payment transactions.

77 (l) "Processor" means an entity that facilitates,
 78 services, processes, or manages the debit or credit
 79 authorization, billing, transfer, payment procedures, or
 80 settlement with respect to any electronic payment transaction.

81 (m) "Settlement" means the process of transmitting sales
 82 information to the issuing bank for collection and reimbursement
 83 of funds to the merchant and calculating and reporting the net
 84 transaction amount to the issuer and merchant for an electronic
 85 payment transaction that is cleared.

86 (n) "Tax" means all taxes and fees levied under chapter
 87 212 and s. 125.0104.

88 (o) "Tax documentation" means documentation sufficient for
 89 the payment card network to determine the total amount of the
 90 electronic payment transaction and the tax amount of such
 91 transaction. Tax documentation may be related to a single
 92 electronic payment transaction or multiple electronic payment
 93 transactions aggregated over a period of time. Examples of tax
 94 documentation include, but are not limited to, invoices,
 95 receipts, journals, ledgers, and tax returns filed with the
 96 Department of Revenue or local taxing authorities.

97 (2) This section does not apply to an electronic payment
 98 transaction in which the tax or tip amount is not separately
 99 stated on the consumer's payment invoice, sales slip, or other
 100 evidence of sale as required under s. 212.07(2).

101 (3) This section does not create liability for payment
 102 card network regarding the accuracy of the tax or tip data
 103 reported by the merchant.

104 (4) Except as provided in subsection (2), an issuer, a
 105 payment card network, an acquirer bank, or a processor may not
 106 receive or charge the merchant any interchange fees on the tax
 107 or tip amount of an electronic payment transaction if the
 108 merchant informs the acquirer bank or its designee of such tax
 109 or tip amount as part of the authorization process for the
 110 electronic payment transaction. A merchant must transmit the tax
 111 or tip amount data as part of the authorization process to avoid
 112 being charged interchange fees on the tax or tip amount of an
 113 electronic payment transaction.

114 (5) A merchant that does not transmit the tax or tip
 115 amount data in accordance with subsection (3) may submit tax
 116 documentation or tip amount data for the electronic payment
 117 transaction to the acquirer bank or its designee no later than
 118 180 days after the date of the electronic payment transaction,
 119 and within 30 days, the issuer must credit to the merchant the
 120 amount of interchange fees charged on the tax or tip amount of
 121 the electronic payment transaction.

122 (6) An issuer, a payment card network, an acquirer bank, a
 123 processor, or other designated entity that has received the tax
 124 or tip amount data and violates this section is subject to a
 125 civil penalty of \$1,000 per electronic payment transaction, and

126 the issuer must refund the merchant the interchange fee
 127 calculated on the tax or tip amount relative to the electronic
 128 payment transaction.

129 (7) An entity involved in facilitating or processing an
 130 electronic payment transaction, other than the merchant,
 131 including, but not limited to, an issuer, a payment card
 132 network, an acquirer bank, or a processor may not distribute,
 133 exchange, transfer, disseminate, or utilize the electronic
 134 payment transaction data except to facilitate or process the
 135 electronic payment transaction or as required by law. A
 136 violation of this subsection constitutes a violation of the
 137 Florida Deceptive and Unfair Trade Practices Act under part II
 138 of this chapter. Notwithstanding s. 501.211, violations must be
 139 enforced only by the enforcing authority, as defined in s.
 140 501.203(2), and subject the violator to the sanctions and
 141 penalties provided for in that part. If such action is
 142 successful, the enforcing authority is entitled to reasonable
 143 attorney fees and costs.

144 Section 2. This act shall take effect October 1, 2023.