

Committee Substitute for Senate Bill No. 966

An act relating to automated teller machine transactions; amending s. 655.966, F.S.; authorizing machine owners or operators to impose access fees or surcharges for machine use; providing fee or surcharge disclosure requirements; providing certain agreement prohibitions relating to machine access fees or surcharges; providing construction relating to certain fee-free or surcharge-free network agreements; providing an effective date.

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

Section 1. Section 655.966, Florida Statutes, is amended to read:

655.966 Automated teller machine; surcharge disclosure.—

(1) The operator or owner of an automated teller machine in this state may charge an access fee or surcharge to a customer for the use of that machine. The fee or surcharge must be disclosed in compliance with 12 C.F.R., part 205, as amended.

(2)(a) Subject to the requirements of subsection (1), an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator or owner of an automated teller machine, as defined in s. 655.960(3), to may charge an access fee or surcharge, not otherwise prohibited under state or federal law, to a customer conducting a transaction using an account from an international banking corporation as defined in s. 663.01(6) a financial institution, as defined in s. 655.005(1)(h), which is located outside of the United States.

(b) Notwithstanding paragraph (a), this section does not prohibit or otherwise limit the ability of an operator or owner of an automated teller machine to voluntarily enter into an agreement regarding participation in an access fee-free or surcharge-free network.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.