

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Regulatory Reform &
 2 Economic Development Subcommittee
 3 Representative Snyder offered the following:

Amendment (with title amendment)

Remove lines 110-143 and insert:

7 (c) An entity involved in facilitating or processing a
 8 payment card transaction, including, but not limited to, a
 9 financial institution, an acquirer, a payment card network, or a
 10 payment card issuer, may not assign to a merchant, or require a
 11 merchant to use, a merchant category code that classifies the
 12 merchant as a firearms or ammunition retailer or a similar
 13 classification. A merchant of firearms or ammunition may be
 14 assigned or may use a merchant category code for general
 15 merchandise retailers or sporting goods retailers. Any agreement

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16 or contractual provision to the contrary is void in violation of
17 the public policy of this state.

18 (4) PENALTIES.—

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

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

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

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

48 (e) The state attorney in the appropriate jurisdiction
49 shall investigate complaints of criminal violations of this
50 section, except for alleged violations of paragraph (2)(b) or
51 (c), and shall prosecute violators, where evidence indicates
52 that a violation may have occurred, ~~shall prosecute violators.~~

53
54 -----
55 **T I T L E A M E N D M E N T**

56 Remove line 9 and insert:

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

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