

ORDINANCE NO.: 2024-__

AN ORDINANCE RELATED TO RETAIL TRANSACTIONS; CREATING SECTION 18-1 OF THE HERNANDO COUNTY CODE; PROHIBITING RETAIL BUSINESSES FROM REFUSING TO ACCEPT CASH PAYMENTS FOR GOODS OR SERVICES; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a growing number of retail establishments across the United States have adopted “cashless policies,” declaring that they refuse to accept cash payment from their customers, and, instead, require that payment for the goods and services offered by such retailers be made only with credit cards, debit cards, or digital payment methods that result in electronic transfers of funds to the retailer; and,

WHEREAS, such policies threaten to send a message that certain customers are not welcome in certain stores; and,

WHEREAS, cashless policies discriminate against millions of customers who do not have the resources or ability to participate in cashless transactions; and,

WHEREAS, according to the Federal Reserve, there are an estimated 55 million unbanked or underbanked adult Americans; and,

1 WHEREAS, these Americans would be disenfranchised from cashless retail establishments;
2 and,

3 WHEREAS, currently, while some states have passed laws that require businesses to accept
4 cash, there is no federal law prohibiting stores from declining cash payments; and,

5 WHEREAS, this Board wishes to allow all customers the freedom to choose a payment
6 option that works for them.

7 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
8 COMMISSIONERS OF HERNANDO COUNTY:

9 **Section 1. Prohibition of Cashless Retail Establishments.** A new Hernando County Code
10 Section 18-1, to be entitled “Prohibition of Cashless Retail Establishments,” is hereby created to read
11 as follows:

12 Sec. 18-1. - Prohibition of Cashless Retail Establishments.

13 (a) Legislative Intent, Findings, and Purpose. The Board of County
14 Commissioners hereby finds that it is in the best interests of the residents of the
15 County to ensure its economy is inclusionary and accessible to everyone. It is the
16 purpose of this section to ensure that all County residents, including those who lack
17 access to other forms of payment, such as elderly, low-income, and disabled persons,
18 are able to participate in the County’s economic life by paying cash for goods and
19 services. This section ensures County residents continue to have the option of paying
20 in cash for consumer goods or services at retail.

1 **(b) Definitions. For purposes of this section, the following terms shall be defined**
2 **as follows:**

3 **(1) “At Retail” means any retail transaction conducted in person, but shall**
4 **exclude:**

5 **(A) Transactions at wholesale clubs that sell consumer goods and**
6 **services through a membership model;**

7 **(B) Transactions at retail stores selling consumer goods**
8 **exclusively through a membership model that requires payment by means of an**
9 **affiliated mobile device application;**

10 **(C) Transactions for the rental of consumer goods, services, or**
11 **accommodations for which posting of collateral or security is typically required;**

12 **(D) Consumer goods or services provided exclusively to**
13 **employees and others authorized to be on the employer’s premises;**

14 **(E) Sales in which the business suspects the use of counterfeit**
15 **cash;**

16 **(F) The use of cash denominations larger than \$20.00 by a**
17 **customer;**

18 **(G) Any transactions which the County is preempted from**
19 **regulating by law;**

20 **(H) Single transactions in excess of \$5,000.00; and,**

1 (1) Parking facilities.

2 (2) “Brick-and-Mortar Business” means any place of business operating
3 at a fixed, permanent physical premises. Brick-and-Mortar Business does not include
4 any business not operating at a physical premises in Hernando County (one example
5 being a business operating in the County exclusively via the internet without any
6 physical premises in the County), any business operating from a vehicle or other
7 mobile space (one example being a food truck), any business operating from a
8 temporary physical premises (one example being a pop-up), or any government
9 entities.

10 (3) “Cash” means United States currency, in the form of both paper
11 Federal Reserve Notes and metal coins. Cash does not include currency issued under
12 the authority of any country other than the United States, any paper instrument other
13 than a Federal Reserve Note (including, but not limited to, any check, bond, or
14 promissory note), or any metal coin (including, but not limited to, any gold or silver
15 coin) that is not legal tender in the United States.

16 (4) “County” means Hernando County, Florida.

17 (5) “Professional Services” means services that require extended analysis,
18 the exercise of discretion and independent judgment in their performance, and/or the
19 application of an advanced, specialized type of knowledge, expertise, or training
20 customarily acquired either by a prolonged course of study or equivalent experience

1 in the field. Examples of Professional Services include, but are not limited to,
2 services provided by accountants, architects, attorneys, engineers, financial advisers,
3 insurance agents, interior designers, management and other consultants, software
4 developers, doctors, dentists, nurses, and licensed health care professionals.

5 (c) Prohibitions. Beginning on April 1, 2024, a Brick-and-Mortar Business
6 selling or offering for sale consumer goods or services at retail may not:

7 (1) Refuse to accept cash as a form of payment to purchase goods or
8 services if (1) the Brick-and-Mortar Business accepts one or more other forms of
9 payment (including, but not limited to, check, credit card, debit card, or any type of
10 electronic payment), regardless of when such form of payment is collected, and (2)
11 the customer seeking to engage in that transaction is physically present at the Brick-
12 and-Mortar Business;

13 (2) Post signs on the premises that cash payment is not accepted; or,

14 (3) Charge a higher price to customers who pay cash than they would
15 otherwise pay using any other form of payment.

16 (d) Notwithstanding the foregoing prohibitions, any theaters or venues that host
17 events, including but not limited to any stadiums and arenas that regularly host
18 officially sanctioned professional sporting events, collegiate sporting events, or both,
19 shall be deemed in compliance with this section if they have at least one location on
20 the premises where customers are able to purchase payment cards with cash.

1 (e) Enforcement and Remedies.

2 (1) Administrative Enforcement. Any violation of this Article may be
3 prosecuted as described in Chapter 2, Article III, of the Hernando County Code of
4 Ordinances, as it may be amended or renumbered from time to time.

5 (2) Injunctive Relief. The County may institute a civil action in a court
6 of competent jurisdiction to seek injunctive relief to enforce compliance with this
7 ordinance.

8 (3) Enumeration Non-Exclusive. Enumeration of penalties, enforcement
9 and remedies herein are non-exclusive and shall not preclude any other enforcement
10 means or remedy now or hereafter available under applicable law. The County may
11 take any, all, or any combination of these actions when the circumstances warrant,
12 including more than one (1) enforcement action.

13 **Section 2. Severability.** It is declared to be the intent of the Board of County
14 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
15 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
16 validity of the remaining portions of this ordinance.

17 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
18 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
19 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the

1 sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that
2 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

3 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
4 conflict with the provisions of this ordinance are hereby repealed.

5 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of
6 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
7 been filed with said office.

8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
9 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 20__.

10
11 **BOARD OF COUNTY COMMISSIONERS**
12 **HERNANDO COUNTY, FLORIDA**
13
14

15
16 Attest: _____
17 DOUGLAS CHORVAT, JR.
18 Clerk and Comptroller
19

By: _____
ELIZABETH NARVERUD
Chairwoman

20 Approved for Form and Legal Sufficiency

21 
22 _____
23 County Attorney