



## FTA-PP-13: CASHLESS RETAIL PROHIBITION

### STAFF RECOMMENDATION: DEFER TO COMMITTEE

**PROPOSED POLICY:** FAC SUPPORTS a Cashless Retail Prohibition to ensure that all County residents—including those who lack access to other forms of payment, such as elderly, low income, and disabled persons—are able to participate in the County’s economic life by paying cash for goods and services.

### BACKGROUND:

A growing number of establishments across the United States have adopted “cashless policies” refusing to accept cash payments from their customers.

Federal legislation has been filed previously.

**ANALYSIS:** Cashless policies discriminate against millions of customers who do not have the resources or ability to participate in cashless transactions.

According to the Federal Reserve, there are an estimated 55 million unbanked or underbanked adult Americans these Americans would be disenfranchised from cashless establishments.

Currently, while some states have passed laws that require businesses to accept cash, there is no federal law prohibiting businesses from declining cash payments.

**FISCAL IMPACT:** Not Applicable

### FAC STAFF NOTES:

2022 Miami – Dade County Memorandum and Proposed Ordinance:

- In 2022 Miami – Dade filed a Memorandum with a Purposed Ordinance creating Section 21-60 and amending Section 8CC-10 of the Code of Miami-Dade County, Florida. This Memorandum provides legal authority to the board to enact this Purposed Ordinance sections 21-60, which would:
  - Prohibit a person selling or offering for sale consumer goods or services at retail to refuse to accept cash as payment.
  - Prohibit the posting of signs on the premises stating that cash payment is not accepted.
  - Prohibit charging a higher price to customers who pay by cash than to consumers who use another form of payment.
  - Civil Penalty
 

▪ First Violation	Warning
▪ Second Violation	\$ 100.00
▪ Third Violation	\$ 200.00
▪ Each Subsequent Violation	\$1,000.00<<

State Bills



## 2024

- HB 35 Acceptance of Cash Payments by Businesses by Rudman
  - Filed
  - Creating s. 559.96 F.S.;
    - A business must accept and offer cash as payment for any transaction with a tangible good or service.
    - A business may not charge a fee for cash payments.
    - Violation Fees – Civil Penalty
      - First Violation up to \$2,500.00
      - Second Violation up to \$5,000.00
      - Third Violation up to \$10,000.00
      - Subsequent up to \$10,000.00

## 2022

- SB 408 Acceptance of Cash Payments by Businesses by Jones
  - Filed
  - Referred to Commerce and Tourism, Banking and Insurance, Rules
  - Indefinitely postponed and withdrawn from consideration.
  - Creating s. 559.96 F.S.;
    - A business must accept and offer cash as payment for any transaction with a tangible good or service.
    - A business may not charge a fee for cash payments.
    - Violation Fees – Civil Penalty
      - First Violation up to \$2,500.00
      - Second Violation up to \$5,000.00
      - Third Violation up to \$10,000.00
      - Subsequent up to \$10,000.00
- HB 233 by Acceptance of Cash Payments by Businesses Willhite
  - Filed
  - Referred to Insurance & Banking Subcommittee, Agriculture & Natural Resources Appropriations Subcommittee, Commerce Committee
  - Indefinitely postponed and withdrawn from consideration.
  - Creating s. 559.96 F.S.;
    - A business must accept and offer cash as payment for any transaction with a tangible good or service.
    - A business may not charge a fee for cash payments.
    - Violation Fees – Civil Penalty
      - First Violation up to \$2,500.00
      - Second Violation up to \$5,000.00
      - Third Violation up to \$10,000.00
      - Subsequent up to \$10,000.00

## Federal Bills

This has been a Federal Priority in years past. Legislation has been filed previously and again has been filed in the 118 Congress.

## 2023

- S.1984 – Payment Choice Act of 2023
- H.R. 4128 – Payment Choice Act of 2023



- Introduced
- To ensure United States currency is treated as legal tender to be accepted as payment for purchases of goods and services at brick-and-mortar businesses throughout the United States and for other purposes.
- Every consumer should have the right to use cash as payment at retail businesses that accept in-person payments.

**SUBMITTING COUNTY AND CONTACT:** Miami-Dade

**ASSIGNED COMMITTEE:** FTA

**BOARD SUPPORT:** Yes

**UNFUNDED MANDATE:** No

**PROTECTIVE OF HOME RULE:** Yes