

ORDINANCE NO.: 2026-

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.

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

Section 1. Prohibition of Cashless Retail Establishments. A new Hernando County Code Section 18-1, to be entitled “Prohibition on Imposing Surcharge for Use of Debit or Stored Value Cards Unless Cash Is Also Accepted as Payment,” is hereby created to read as follows:

Sec. 18-1. - Prohibition on Imposing Surcharge for Use of Debit or Stored Value
Cards Unless Cash Is Also Accepted as Payment.

(a) Legislative Intent, Findings, and Purpose. The Board of County Commissioners hereby finds that it is in the best interests of the residents of the County to ensure its economy is accessible to everyone. It is the purpose of this section 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

1 participate in the County's economic life by paying cash for goods and services. This
2 section ensures County residents continue to have the option of paying in cash for
3 consumer goods or services at retail.

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

6 (1) "At Retail" means any retail transaction conducted in person, but shall
7 exclude:

8 (A) Transactions at wholesale clubs that sell consumer goods and
9 services through a membership model;

10 (B) Transactions at retail stores selling consumer goods
11 exclusively through a membership model that requires payment by means of an
12 affiliated mobile device application;

13 (C) Any transactions which the County is preempted from
14 regulating by law;

15 (D) Parking facilities;

16 (E) Transactions for professional services.

17 (2) "Brick-and-Mortar Business" means any place of business operating
18 at a fixed, permanent physical premises that sells or offers to sell goods and services
19 at retail. Brick-and-Mortar Business does not include any business not operating at
20 a physical premises in Hernando County (one example being a business operating

1 in the County exclusively via the internet without any physical premises in the
2 County) or any government entity.

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

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

10 (5) “Debit Card” shall have the same meaning as is provided for the term
11 in 15 U.S.C. § 1693o-2(c)(2), as it may be amended.

12 (6) “Gift Certificate” shall have the same meaning as is provided for the
13 term in 15 U.S.C. § 1693l-1(a)(2)(B), as it may be amended.

14 (7) “Professional Services” means services that require extended analysis,
15 the exercise of discretion and independent judgment in their performance, and/or the
16 application of an advanced, specialized type of knowledge, expertise, or training
17 customarily acquired either by a prolonged course of study or equivalent experience
18 in the field. Examples of Professional Services include, but are not limited to,
19 services provided by accountants, architects, attorneys, engineers, financial advisers,

1 insurance agents, interior designers, management and other consultants, software
2 developers, doctors, dentists, nurses, and licensed health care professionals.

3 (8) "Store Gift Card" shall have the same meaning as is provided for the
4 term in 15 U.S.C. § 16931-1(a)(2)(B), as it may be amended.

5 (9) "Stored Value Card" means a payment card or other tangible object
6 that is (a) used for the transmission, payment, or exchange of currency or
7 monetary value, (b) that contains a microprocessor chip, magnetic stripe or strip,
8 or other means for storing information, (c) with a monetary value stored on the
9 card itself, not in an external account maintained by a financial institution, and (4)
10 for which the value of which is reduced upon each redemption. This term includes,
11 but is not limited to, "gift certificates" and "store gift cards" as those terms are
12 defined herein.

13 (10) "Surcharge" means an increase in the price charged for goods or
14 services imposed on a buyer who pays with a debit or stored value card that is not
15 imposed on a buyer who pays by other means. The term does not include a
16 discounted price charged for goods or services to a buyer who pays with cash.

17 (c) Prohibition. Beginning on January 1, 2027, a Brick-and-Mortar Business may
18 not impose a surcharge on a buyer who uses a debit or stored value card instead
19 of another form of payment unless it will also accept cash from the buyer as
20 payment for the transaction.

1 (d) 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
16 the 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,
20 the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and

1 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
2 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.

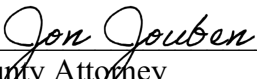
8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
9 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2026.

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: _____
JERRY CAMPBELL
Chairman

20 Approved for Form and Legal Sufficiency
21
22

23 
24 _____
County Attorney