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## Appeals Court Strikes Down Florida Law on Credit Card Surcharges

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Swiping your credit card at your favorite store or restaurant could soon come with an asterisk.

A federal appeals court yesterday struck down a Florida law saying it violated retailers' rights to free speech.

It all centers on the cost per swipe.

Tallahassee Discount Furniture is literally just blocks away from the Florida Capitol.

The owner got a cease and desist letter from the attorney general for telling her customers that if they paid with credit, she would pass on a 2-3% surcharge that credit companies charged her for each swipe.

Palmer was shocked to discover that was against the law.

"I received a letter telling me to stop being honest with people about the surcharge we were having to pay for credit cards," Palmer said, "and found out that we weren't allowed to do that. We actually could be fined or put in prison."

Tallahassee Discount Furniture is one of four Florida businesses that challenged a Florida law that allowed businesses to offer discounts to customers who pay with cash, but barred surcharges for those who paid with credit.

A federal appeals court struck it down Wednesday saying it violates retailers' free speech rights. The opinion said the law should more accurately be called a "surcharges-are-fine-just-don't-call-them-that law."

"It was ridiculous in its penalties and it needed to go and now it's gone," said Tallahassee attorney David Frank who worked on the case with Washington, D.C. Attorney Deepak Gupta.

Yet the Florida Alliance for Consumer Protection is calling on the attorney general to appeal the ruling, saying customers now risk surprises at the checkout counter.

"This ban has been protecting consumers for quite a while and we think it should be upheld," said FLACP Spokesman Brad Ashwell. "We're not happy with this decision. We think it will lead to more potential ambushes for consumers that are unexpected."

Duana Palmer says most retailers figure the credit card surcharge into their prices and don't spell it out, but Palmer says customers have a right to know and a right to pay less with cash.

The Attorney General's Office is still reviewing the court's decision and has yet to announce whether it will appeal.

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