

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee
 3 Representative McGhee offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 501.0117, Florida Statutes, is amended
 to read:

501.0117 Credit cards; transactions in which seller or
 lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may
 not impose a surcharge on the buyer or lessee for electing to
 use a credit card in lieu of payment by cash, check, or similar
 means, if the seller or lessor accepts payment by credit card. A
 surcharge is any additional amount imposed at the time of a sale
 or lease transaction by the seller or lessor that increases the
 charge to the buyer or lessee for the privilege of using a

Amendment No. 1

18 credit card to make payment. Charges imposed pursuant to
19 approved state or federal tariffs are not considered to be a
20 surcharge, and charges made under such tariffs are exempt from
21 this section. A convenience fee imposed upon a student or family
22 paying tuition, fees, or other student account charges by credit
23 card to a William L. Boyd, IV, Florida resident access grant
24 eligible institution, as defined in s. 1009.89, or to a private
25 school, as defined in s. 1002.01, is not considered to be a
26 surcharge and is exempt from this section if the amount of the
27 convenience fee does not exceed the total cost charged by the
28 credit card company to the institution. The term "credit card"
29 includes those cards for which unpaid balances are payable on
30 demand. This section does not apply to the offering of a
31 discount for the purpose of inducing payment by cash, check, or
32 other means not involving the use of a credit card, if the
33 discount is offered to all prospective customers.

34 (2) A person who violates the provisions of subsection (1)
35 is guilty of a misdemeanor of the second degree, punishable as
36 provided in s. 775.082 or s. 775.083.

37 Section 2. Paragraph (k) of subsection (1) of section
38 516.07, Florida Statutes, is amended to read:

39 516.07 Grounds for denial of license or for disciplinary
40 action.—

41 (1) The following acts are violations of this chapter and
42 constitute grounds for denial of an application for a license to
43 make consumer finance loans and grounds for any of the

Amendment No. 1

44 disciplinary actions specified in subsection (2):

45 (k) Paying money or anything else of value, directly or
46 indirectly, to any person as compensation, inducement, or reward
47 for referring loan applicants to a licensee, if such amount is
48 charged directly or indirectly to the borrower.

49 Section 3. Section 670.108, Florida Statutes, is amended
50 to read:

51 670.108 Relationship to Electronic Fund Transfer Act
52 ~~Exclusion of consumer transactions governed by federal law.-~~

53 (1) Except as provided in subsection (2), this chapter
54 does not apply to a funds transfer any part of which is governed
55 by the Electronic Fund Transfer Act of 1978 (Title XX, Pub. L.
56 No. 95-630, 92 Stat. 3728, 15 U.S.C. ss. 1693 et seq.), as
57 amended from time to time.

58 (2) This chapter applies to a funds transfer that is a
59 remittance transfer as defined in the Electronic Fund Transfer
60 Act, 15 U.S.C. s. 1693o-1, as amended from time to time, unless
61 the remittance transfer is an electronic fund transfer as
62 defined in the Electronic Fund Transfer Act, 15 U.S.C s. 1693a,
63 as amended from time to time.

64 (3) If there is an inconsistency between a funds transfer
65 under this chapter and the Electronic Fund Transfer Act, the
66 Electronic Fund Transfer Act governs the inconsistency.

67 Section 4. Section 701.03, Florida Statutes, is amended to
68 read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 145 (2016)

Amendment No. 1

95 | certain circumstances; amending s. 670.108, F.S.,
96 | revising applicability; providing that ch. 670, F.S.,
97 | governs certain funds transfers that are remittance
98 | transfers; providing that the federal Electronic Fund
99 | Transfer Act governs any inconsistency between a funds
100 | transfer under ch. 670, F.S.; amending s. 701.03, F.S.;
101 | requiring that a mortgage be cancelled upon within a
102 | specified timeframe; requiring that an open-end mortgage
103 | be cancelled within a specified timeframe if the
104 | borrower provides written notice of his or her intent to
105 | close the open-end mortgage; providing applicability;
106 | providing an effective date.

107